



CMA(MD)No.368 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.09.2022

CORAM

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

CMA (MD)No.368 of 2020

Jenusha

.. Appellant

Vs.

J.C.Jeremiah Loren

.. Respondent

Prayer : Civil Miscellaneous Appeal is filed against the order dated 11.12.2019 passed in IDOP No.66 of 2019 on the file of the Family Judge, Kanyakumari at Nagercoil.

For Appellant : Mr.S.Pugalendhi

For Respondent : Mr.K.P.Narayanakumar



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JUDGMENT

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J. NISHA BANU,J.
and
N. ANAND VENKATESH,J.

The appellant/wife filed this appeal against the order passed in IDOP No.66 of 2019 by the Family Judge, Kanyakumari at Nagercoil dated 11.12.2019, whereby the petition filed by the appellant seeking for dissolving the marriage was dismissed.

2. During the pendency of this appeal, the parties were able to reach a compromise. By virtue of the same, the criminal case that was initiated by the appellant against the respondent and his family members was quashed by this Court in CrI.O.P.(MD) No.15354 of 2022, by order dated 26.08.2022, after recording the compromise between the parties.

3. An affidavit has been filed by the respondent/husband, whereby he has stated that he has no objection to grant divorce in favour of the appellant/wife. For proper appreciation, the relevant portions in the affidavit are extracted hereunder:



“2.It is submitted that the appellant/wife filed IDOP 66/19 before Family Court, Kanyakumar District for the relief of divorce, on the ground that non consummation of marriage and also an another ground of cruelty. The trial Court by order dated 11.12.2019 dismissed the petition. Against which wife/appellant preferred present CMA before this Honourable Court.

3.It is submitted that marriage was solemnized between us on 15.06.2016. After marriage, within a short preiod of 40 days we both separated. Marriage was not consummated between us.

4.It is submitted that in the meantime respondent/wife lodged police complaint against me and the same was registered as Crime No.20/2017 by AWPS Nagercoil. After investigation charge sheet was filed and taken on file by additional Mahila Court as C.C.512/18. While the matter stood thus we both compromised the matrimonial dispute in the presence of both family members, and criminal case was quashed by this Hon'ble Court by order dated 26.08.2022 passed in Crl.O.P. 15454 of 2022 by recording the compromise memo signed by both of us.

5.It is submitted that one of the condition in the above compromise is that petitioner/husband has to give no objection to grant divorce in favour of wife in the



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present CMA. It is pertinent to note that we both lived under one roof only for the period of 40 days, thereafter for past 6 years we are living separately, and marriage is completely broken down. Further, marriage between us was not consummated due to various reasons.

6.It is submitted that in these factual scenario in order to give full stop to the matrimonial dispute the respondent/husband is having no objection to grant divorce in favour of appellant/wife.”

4. The husband and the wife were present at the time of hearing and both of them confirmed the compromise that took place between them and the affidavit filed by the respondent/husband.

5. In view of the above, the marriage between the appellant and the respondent solemnized on 15.06.2016 is hereby dissolved and this appeal is accordingly allowed. No costs.

(J.N.B.,J.) (N.A.V.,J.)
29.09.2022

Internet : Yes
RR



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To

1.The Family Judge,
Kanyakumari at Nagercoil

2.The VR Section
Madurai Bench of Madras High Court,
Madurai.



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**J. NISHA BANU,J.
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