



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.A(MD)Nos.412 & 413 of 2019

P.Vijayakumar

... Appellant in both appeals

Vs.

Gowsika

... Respondent in both appeals

COMMON PRAYER: Civil Miscellaneous Appeals filed under Section 28 of the Hindu Marriage Act, praying this Court to set aside the common order and decree dated 18.12.2018 passed in H.M.O.P.Nos.577 of 2012 and 555 of 2014 on the file of the Family Court, Madurai to allow these Civil Miscellaneous Appeals with costs.

In both appeals

For Appellant

: Mr.P.Dhanasekaran

For Respondent

: Mr.R.Gandhi

COMMON JUDGMENT

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

Challenging the common orders, dated 18.12.2018, passed in H.M.O.P.Nos.577 of 2012 and 555 of 2014 on the file of the Family Court, Madurai, filed under Section 9 of the Hindu Marriage Act and under Section 13(i-a) of the Hindu Marriage Act, these appeals have been filed.

2. The Family Court, Madurai, while dismissing the divorce petition in H.M.O.P.No.555 of 2014 has allowed the petition for restitution of conjugal rights filed by the wife in H.M.O.P.No.577 of 2012. Aggrieved, the husband has come up with these two Civil Miscellaneous Appeals.

3. Pending appeals, the parties have entered into a settlement, in and by which, they have agreed for divorce by mutual consent. The terms of compromise has been reduced into writing and both the parties as well as their respective counsel signed the compromise. The parties are also present before this Court and they have affirmed the joint compromise, wherein they have agreed that



the marriage could be dissolved by mutual consent. A certain amount of money has been paid to the wife and the minor child towards permanent alimony.

4. Considering the pendency of the appeal, six months cooling off period is waived and we grant divorce to the parties on the basis of the compromise entered into between the parties and the marriage between the spouses held on 12.06.2011 will stand dissolved.

5. In view of the same, the Civil Miscellaneous Appeal in C.M.A.(MD) No.413 of 2019 stands allowed and H.M.O.P No.555 of 2014 stands allowed. C.M.A.(MD) No.412 of 2019 stands dismissed and H.M.O.P No.577 of 2012 stands dismissed. The joint compromise memorandum will form part and parcel of this judgment and decree. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rm

To

The Judge,
Family Court,
Madurai.

Copy to

The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.GANDHI, Advocate (SR-15619[F] dated 31/03/2022)

+2 CC to M/s.P.DHANASEKARAN, Advocate (SR-15970,15969[F] dated 01/04/2022)

C.M.A. (MD) NoS.412 & 413 of 2019
31.03.2022

RK(14/06/2022) 2P 7C