



S.A.(MD)No.333 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

S.A.(MD)No.333 of 2020

Karumuthu T.Sundaram

... Appellant

versus

1. Sathammal

2. Marriage Registrar
and Joint Sub-Registrar,
No.4, Palanganatham,
Madurai.

... Respondent

Second Appeal filed under Section 100 of Civil Procedure Code r/w. Order 42 Rule 1 of Civil Procedure Code against the Judgment and Decree dated 11.03.2020 made in A.S.No.77 of 2019 on the file of the Principal Sub Court, Madurai, confirming the Judgment and Decree dated 02.07.2019 made in O.S.No.588 of 2018 on the file of the Additional District Munsif Court, Madurai.



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For Appellant : Mrs.N.Krishnaveni,
Senior Counsel
for M/s.P.Thiyagarajan
For R1 : Mr.L.Shaji Chellan
For R2 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

JUDGMENT

This Second Appeal is filed against the Judgment and Decree dated 11.03.2020 made in A.S.No.77 of 2019 on the file of the Principal Sub Court, Madurai, confirming the Judgment and Decree dated 02.07.2019 made in O.S.No.588 of 2018 on the file of the Additional District Munsif Court, Madurai.

2. The appellant herein is the plaintiff. He filed the suit in O.S.No.588 of 2018 before the learned Additional District Munsif, Madurai, to declare that the marriage certificate dated 04.06.2018 issued by the second respondent herein, showing the marriage between the appellant/plaintiff and the first respondent/first defendant held on 20.05.2018 and registering it as Document No.29/2018 is null and void



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and remove the said Registration No.29/2018 from the marriage records and restraining the first respondent/first defendant from claiming the appellant/plaintiff as her husband. The said suit was dismissed by the trial Court by Judgment and Decree dated 02.07.2019. Aggrieved over the same, the plaintiff/appellant herein filed an appeal in A.S.No.77 of 2019 before the learned Principal Sub Judge, Madurai, which was also dismissed by Judgment and Decree dated 11.03.2020. Challenging the same, the present appeal has been filed by the appellant.

3. This Court, vide order dated 10.03.2021, admitted the Second Appeal on the following substantial question of law:

“(i) Whether the Courts below were right in concluding that the suit as framed is not maintainable, since it only seeks declaration relating to the validity of the registration and it does not relate to the validity of the marriage?”



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4. Today, when the matter is taken up for hearing, the learned counsel appearing for the appellant and the learned counsel appearing for the first respondent submit that the appellant and the first respondent have amicably solved their issue and also entered into a compromise. They have also produced a joint compromise memo before this Court.

5. Both the parties have appeared before this Court and they have been identified through their Identity Cards. They have also submitted that they have entered into a compromise and agreed for the terms and conditions arrived at the joint compromise memo.

6. The terms of the Joint Compromise Memo are extracted hereunder:

“1. The 1st respondent hereby agrees to grant a decree as prayed for in the suit in favour of the Appellant herein declaring that the marriage certificate dated 04.06.2018 issued by the 2nd respondent, showing the



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marriage between the appellant/plaintiff and the 1st respondent/1st defendant held on 20.05.2018 and registering it as document No.29/2018 is null and void and cancel the said entry.

2. The Appellant hereby withdraw all the allegations made against the 1st respondent in the plaint and other documents. Likewise, the 1st respondent withdraws all the allegations made against the appellant in notice/reply notices and other documents.

3. Both the appellant and the 1st respondent hereby declare that there is no connection between the appellant and the 1st respondent herein and both are entitled to marry any person according to their wish.

4. Both the appellant and the 1st respondent hereby agree and undertake that they will not disturb the other person or their relatives or friends in any manner with regard to the issue in dispute.

5. Both also agree that they will not file any suit or complaint before any of the forums regarding the dispute.

6. As per the advice of the well-wishers and panchayathars, the appellant has paid a sum of Rs.7,40,000/- (Rupees seven lakhs and forty thousand



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only) to the 1st respondent by Demand Draft dated 27.07.2022 bearing No.024628 drawn in the name of Sathammal Annamalai at Axis Bank, Bypass Road, Madurai and she hereby acknowledges the receipt of the same.

7. The 1st respondent returned the following articles to the appellant:

1. I Phone
2. Diamond Ring
3. Blouse bit – 13 nos.

4. The respondent states that the Apple wrist watch (No.190198512024) given by the Appellant herein to the respondent is lost and she undertakes that in future any dispose arose with that watch, she will take the responsibility.”

6. In terms of the joint compromise memo dated 29th July 2022, the Second Appeal is allowed, declaring that the marriage held between the appellant and first respondent herein on 20.05.2018 and the subsequent marriage certificate dated 04.06.2018, registered as



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Document No.29/2018 before the Second Respondent, are declared as null and void. The second respondent is also directed to cancel the entry. The joint compromise memo dated 29th July 2022 shall form part of the decree. No costs.

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Index : Yes / No.

Internet: Yes / No.

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To

The Marriage Registrar
and Joint Sub-Registrar,
No.4, Palanganatham,
Madurai.



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B.PUGALENDHI, J.

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