



CMA(MD)No.628 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2022

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE SUNDER MOHAN**

**C.M.A(MD) No.628 of 2019
and C.M.P(MD)Nos.7736 of 2019 and 2335 of 2021**

S.Ambika

... Appellant/Petitioner

-Vs-

S.Vijayakumar

... Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act against the order dated 27.06.2019 passed in H.M.O.P.No.45 of 2018 on the file of the Family Court, Nagercoil.

For Appellant : Mr.T.Lajapathi Roy
For Respondent : Mr.S.Suresh Kumar



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J U D G M E N T

DR.G.JAYACHANDRAN,J.

AND

SUNDER MOHAN,J.

This Civil Miscellaneous Appeal is filed against the order dated 27.06.2019 passed in H.M.O.P.No.45 of 2018 on the file of the Family Court, Nagercoil.

2. The appellant and the respondent are husband and wife. After sustaining battle between spouse regarding the marriage status as well as the custody of the son born to them, they have come to a settlement amicably sorting out the dispute to the effect that the marriage solemnized on 11.11.2012 be dissolved by mutual consent. With regard to custody of their son, they have mutually agreed that their minor son shall be with the mother/the appellant herein and visitation right vested with the respondent in terms of the joint compromise shall continue.



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3. Today, both the appellant and the respondent along with their respective counsels are present before this Court. They have filed a joint compromise memo dated 21.12.2022 duly signed by both parties and their respective counsels. They have stated that they agreed to settle the issue as per the terms of the joint compromise memo.

4. We have heard both sides and perused the materials available on record.

5. This Court, after examining the parties and perusing the joint compromise memo filed by them, is satisfied that they have arrived at compromise without external influence on their own. Hence, the marriage held between the appellant and the respondent on 11.11.2012 is dissolved by a decree of divorce. The terms of compromise memo regarding the visitation right and the relinquishment of the right of the appellant claiming maintenance amount including the arrears are hereby recorded. The joint compromise memo shall form part of the decree.



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6. In fine, this Civil Miscellaneous Appeal is allowed. Accordingly, the order dated 27.06.2019 passed in H.M.O.P.No.45 of 2018 on the file of the Family Court, Nagercoil, is set aside. No costs. Consequently, connected miscellaneous petitions are closed.

[G.J.,J.]

[S.M.,J.]

21.12.2022

Index : Yes / No
Internet : Yes / No
CM

To,

1. The Family Court, Nagercoil.
2. The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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