



CMA No.311 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
and
THE HONOURABLE MR.JUSTICE **K.GOVINDARAJAN**
THILAKAVADI

CIVIL MISCELLANEOUS APPEAL No.311 of 2023
and CMP No.2532 of 2023

P.Pavithra

... Appellant

-VS-

R.Anantha Padmanabhan

... Respondent

Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, against the Judgment and decree dated 25.01.2022 made in OP No.2569 of 2020 on the file of the I Additional Family Court, Chennai.

For Appellant : Ms.V.Anuradha
for M/s.T.Surendran

For Respondents : Mr.R.Harishankar

J U D G M E N T

[Judgment of the Court delivered by R.SUBRAMANIAN,J.]

The appellant is aggrieved only by the operative portion of the judgment of the Family Court, wherein the Family Court had declared the



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marriage that took place between the appellant and the respondent on 31.01.2020 as null and void.

2. The original petition before the Family Court was filed under Section 12(1)(b) read with Section 5(ii) (a & b) of the Hindu Marriage Act by the husband/respondent herein seeking a declaration that the marriage as null and void. The said relief was sought for on the pretext that the respondent/wife is mentally ill.

3. The same was resisted by the wife raising various contentions. However, during the pendency of the proceedings, a compromise was arrived at and the Joint Memorandum of Compromise was filed by the parties. The terms of the said Memorandum of Compromise read as follows:

1. *The Petitioner/Husband and Respondent/wife agreed to dissolve the Marriage held between them on 31.01.2020 by mutual consent.*
2. *The Petitioner/Husband and the Respondent/Wife received each other's respective Articles, including Gold, Silver and other items given at the time of*



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marriage and there is no claim whatsoever between themselves.

- 3. The Respondent/Wife agreed to accept Rs.15,00,000/- (Rupees Fifteen Lakhs only) as full and final settlement, ie. Permanent Alimony.*
- 4. The Respondent/Wife waive her right of claiming further maintenance from the Petitioner/Husband in the present and future.*
- 5. Since, there is no child born out of the wedlock between the Petitioner/Husband and Respondent/Wife the question of custody does not arise.*
- 6. Since the Petitioner/Husband and Respondent/Wife has exchanged the articles hereunder as mentioned in para(ii) there is no further claim against each other at present and future.*
- 7. The Petitioner and the Respondent withdraw the allegations against each other.*
- 8. The Respondent shall withdraw O.P.No.1244 of 2021 before this Hon'ble Court filed against the Petitioner praying for restitution of conjugal rights.*



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9. Hence, it is most humbly prayed by both the Petitioner and Respondent that this Hon'ble Court may be pleased to record the Joint Memo of compromise in F.C.O.P.No.2569 of 2020 and pass such further or other orders as may be deemed fit and thus render justice.

4. The parties requested the Court to record the compromise and dispose of the Original Petition on the basis of compromise. The learned Family Judge recorded the compromise and disposed of the Original Petition in terms of the compromise. She, however, in the operative portion of the order stated that the marriage is declared as null and void. The appellant wife is aggrieved by the said statement alone.

5. We have heard the learned counsel appearing for the parties.

6. The learned counsel appearing for the respondent/husband does not have any objection for the operative portion of the order of the Family Court being modified suitably, so that it reads as if the Original Petition is disposed of in terms of the compromise and the marriage is dissolved. In fact in Clause (1) of the compromise the parties have agreed for



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dissolution of the marriage.

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7. In view of the statement made by the learned counsel appearing for the respondent, the judgment and decree of the Family Court will stand modified and the operative portion will read as follows:

“In the result the petition is allowed as per the terms of the compromise and the marriage solemnised between the petitioner and the respondent on 31.01.2020 at Shobana Kalyana Mandapam, West Mambalam, Chennai, will stand dissolved.”

8. The Joint Memorandum of Compromise will form part of the decree. The Decree issued by the Family Court will also stand suitably amended. The Appeal is disposed of with the above observation. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (K.GOVINDARAJAN THILAKAVADI, J.)
09.02.2023

jv

Index : No

Internet : Yes

Speaking order

Neutral Citation:No

<https://www.mhc.tn.gov.in/judis>



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To

1. The Judge
I Additional Family Court,
Chennai.
2. The Section Officer,
V.R. Section,
Madras High Court, Chennai 104.



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R.SUBRAMANIAN, J.
and

K.GOVINDARAJAN THILAKAVADI, J.

jv

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