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CRP.No.3644 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

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G.Venkateswaran

... Petitioner

Vs.

Prabavathy

... Respondent

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India to set aside the order passed in IA.No.161 of 2018 in CMACFR.No.4597 of 2018 dated 21.02.2019 pending on the file of the Principal District Judge, Tiruppur.

For Petitioner : Mr.N.Umapathi

For Respondent : Mr.V.Jaihari Sudan
for Mr.M.Vivekanandan

ORDER

This civil revision petition has been filed to set aside the order passed in IA.No.161 of 2018 in CMACFR.No.4597 of 2018 dated 21.02.2019 pending on the file of the Principal District Judge, Tiruppur.

2. Heard the learned counsel appearing on either side.



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3. While pending the civil revision petition, the parties entered into compromise. In view of the settlement arrived at between them, they filed petition before this Court under Section 13(B) of Hindu Marriage Act seeking decree of divorce dissolving the marriage solemnised between them on 06.03.2006. In view of the settlement with the above terms and conditions as stated in the petition, this Court is inclined to grant divorce to the parties. The relevant portion of the petition filed under Section 13(B) of Hindu Marriage Act is extracted hereunder:

The petitioner is G.Venkateswaran, M/A. 50 Yrs, S/o.Gopal, No.20/21, KaliammanKovil Street, Dharapuram, Tiruppur, Tamilnadu – 638 656.

The respondent is Prabavathy, F/A. 42 yrs, D/o Kandasamy, No.35-A, State Bank Colony, Gandhi Nagar, Tiruppur, do hereby solemnly affirm and sincerely state as follows:

The petitioner and the respondent state that they both got married on 06.03.2006 as per the Hindu rites and Customs in the presence of their family and friends. They were also blessed with a girl child out of the wedlock namely Ms.Neha. The petitioner states that he had filed HMOP.No.101 of 2013, on the file of the Subordinate Judge, Tiruppur, on the grounds of cruelty



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and the same was also dismissed. Aggrieved by the same, the petitioner has filed an appeal with a condone delay of IA.No.161 of 2018 in CMACFR.No.4597 of 2018 pending on the file of the Principal District Judge, Tiruppur. However the same was dismissed on 21.02.2019.

2. The petitioner and the respondent submits that they were not residing together from 10.10.2010 due to temperamental incompatibility. Hence the petitioner and respondent have mutually decided to go in for a divorce by mutual consent as there is no probability or possibility for them to re-unite.

3. Both the petitioner and the respondent have not in any manner condoned the acts against each other. The petitioner and the respondent have inevitably, and of their free will and relation and by mutual consent and desire, agreed and resolved for dissolution of their marriage under Section 13 B of Hindu Marriage Act. The petitioners submits that as both have agreed for separation and therefore pray for a decree on following terms of settlement.

A) The petitioner and the respondent states that the marriage between them be dissolved on the ground of mutual consent.

B) The respondent agrees to withdraw MC.No.47 of 2015 pending on the file of the Hon'ble Chief Judicial Magistrate Court, Tiruppur.

C) The petitioner agrees to pay a sum of Rs.35,00,000/- (Rupees Thirty



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Five Lakhs only) to his daughter Ms.Neha by way of demand draft which read as follows:

(i) Demand Draft No.523359 Drawn on Canara Bank payable at Tiruppur for a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only)

(ii) Demand Draft No.523411 Drawn on Canara Bank payable at Tiruppur for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only)

D) The respondent hereby agrees and undertakes to withdraw the maintenance proceedings in MC.No.47 of 2015 pending before the Hon'ble Chief Judicial Magistrate, Tiruppur.

E) The petitioner agrees to settle the property bearing vacant house site at Block No.5, Dharapuram Town Ward 7, comprised in survey No.186, as per patta No.3172, patta survey No.135/34, measuring an extent of 1600 sq.ft., Natchimuthu Pudhur, erstwhile Chitravuthanpalayam, Dharapuram Town, Dharapuram Taluk, Erode District, Bounded on the

North of : Kuppusamy Gounder House,

South of : Ramakrishnan Plot,

East of : Prabhakaran Plot,

West of : 20 ft Thenvadal road,

to and in favour of the respondent and his daughter towards full and



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final settlement and there is no claim anything in future.

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F) The respondent submits that she has taken back all her belongings.

The petitioner and respondent submits that they have exchanged all their articles and there is no further claim against each other in respect of any article/belongings.

4. The petitioner and the respondent states that there is no chance to retrieve from the irretrievable breakdown of marital relationship either.

5. Both the petitioner and the respondent undertake not to interfere in each other's lives in any manner whatsoever. The petitioner and the respondent further undertake not to make any allegations either by self or through their friends, relatives, men, agents, servants, assigns or through any other person against each other in future and not to interfere in their private life by any manner including dissemination of information, photos or videos through social media like whatsapp, twitter, facebook etc. failing which the aggrieved party is free to take legal action against the erring party.

6. There is no collusion between the parties in filing this petition.

7. The consent of the petitioner and the respondent has been freely given and is not obtained by coercion or fraud, or undue influence.

The petitioner and the respondent therefore pray that this Hon'ble Court



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may be pleased to grant a decree of divorce dissolving the marriage solemnized between the petitioner and the respondent on 06.03.2006, at Muthanchettiar-Chinnammal Thirumana Mandapam, Avinashi Road, Tiruppur under Section 13(B) of Hindu Marriage Act and thus render justice.

4. Accordingly, this civil revision petition is disposed of. The marriage between the petitioner and the respondent solemnised on 06.03.2006 is hereby dissolved and decree of divorce is granted in favour of the petitioner and the respondent herein under Section 13(B) of Hindu Marriage Act. There shall be no order as to costs.

21.02.2023

Index : Yes/No

Internet : Yes/No

Speaking order/non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

The Principal District Judge,
Tiruppur

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