



C.M.S.A.(MD)No.37 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.S.A.(MD)No.37 of 2021

N.Pandi

...Appellant/Appellant/Petitioner

Vs.

B.Vidhya

...Respondent/Respondent/Respondent

PRAYER: This Civil Miscellaneous Second Appeal is filed under Order 43 rule 1 r/w Section 100 of the Civil Procedure Code, to call for the records pertaining to the fair and decreetal order passed in H.M.C.M.A.No.37 of 2018 on the file of VI Additional District Court, Madurai dated 27.08.2019 confirming the fair and decreetal order made in H.M.O.P.No.374 of 2017 on the file of the Sub Court, Thirumangalam dated 01.10.2018 and set aside the same.

For Appellant : Mr.T.K.Gopalan

For Respondent : Mr.K.C.Peter Kanishkumar



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JUDGMENT

The present appeal had been filed challenging the decree and judgment of the VI Additional District Court, Madurai rejecting the application of the appellants.

2.Heard the learned counsel appearing on either side.

3.The learned counsel appearing for both sides submitted that the appellant and the respondent fairly admitted that they decided to go for mutual divorce and they are not willing to pursue the matter further. It is also submitted that the respondent had received a sum of Rs.4,50,000/- (Rupees Four Lakhs Fifty Thousand only) and seven (7) sovereigns of gold ornaments from the appellant. The respondent also undertakes that she will withdraw the criminal cases lodged by her against the appellant. She has also filed an affidavit to that effect and the same is recorded.

4.The appellant and the respondent were present in person before this Court. Both the parties were identified by their respective counsel. When they were enquired by this Court, they have agreed to have a mutual divorce.



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5.The parties are residing separately from the year 2014. Hence, this Court is of the view that keeping the marital tie will not serve any purpose. Therefore, the cooling period of six months is also waived and the decree of divorce is granted. It is open to the appellant to move this Court for quashing all the criminal cases pending against him.

6.In the result, this Civil Miscellaneous Second Appeal is disposed of. The affidavit filed by the respondent shall form part and parcel of this judgment.

28.04.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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N.SATHISH KUMAR, J.

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To

- 1.The VI Additional District Court, Madurai.
- 2.The Sub Court, Thirumangalam.
- 3.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

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