



C.M.S.A.(MD)No.8 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.S.A.(MD)No.8 of 2021

and

C.M.P.(MD)No.5703 of 2022

Ganesan

...Appellant/Appellant/Petitioner

Vs.

Thangamari

...Respondent/Respondent/Respondent

PRAYER: This Civil Miscellaneous Second Appeal is filed under Section 100 of the Civil Procedure Code, to set aside the judgment and decree dated 18.09.2020 made in HMCMA No.5 of 2018 on the file of the learned Principal District Judge, Virudhunagar District at Srivilliputhur confirming the judgment and decree dated 08.01.2018 made in H.M.O.P.No.175 of 2010 on the file of the learned Subordinate Court, Srivilliputhur.

For Appellant : Mr.S.Srinivasa Raghavan

For R1 : Mr.N.Tamilmani



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C.M.S.A.(MD)No.8 of 2021

JUDGMENT

Heard the learned counsel appearing on either side.

2.The learned counsel appearing for the respondent submitted that due to incompatible relationship, the parties have decided to have the marriage dissolved. The permanent alumni of Rs.2,50,000/- was also given to the respondent by the appellant in full quit. They have also filed a joint affidavit accepting the said contentions. The learned counsel for the appellant also concurred with the same. Accordingly, the joint affidavit signed by the parties and the learned respective counsel, filed before this Court is taken on file.

3.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.

4.The parties are residing separately from the year 2008. 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



C.M.S.A.(MD)No.8 of 2021

granted.

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

26.04.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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C.M.S.A.(MD)No.8 of 2021

N.SATHISH KUMAR, J.

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To

- 1.The Principal District Judge, Virudhunagar District at Srivilliputhur.
- 2.The Subordinate Court, Srivilliputhur.
- 3.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

C.M.S.A.(MD)No.8 of 2021

26.04.2023