



C.M.A.(MD).No.447 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.A.(MD).No.447 of 2021

S.Aruldass

... Appellant

Vs.

R.Subalakshmi @ Fuila

... Respondent

PRAYER: Civil Miscellaneous Appeal has been filed under Section 39 of the Special Marriage Act, against the fair and decreetal order made in S.M.O.P.No. 2 of 2018 on the file of the Principal District Court, Ramanathapuram, dated 04.09.2019.

For Appellant : M/s. D.Senthil

For Respondent : Mr.A.R.Kannappan

J U D G M E N T

This appeal has been filed challenging the order of dismissal of the application filed for dissolution of marriage under Section 27(1) of the Special Marriage Act.



C.M.A.(MD).No.447 of 2021

WEB COPY

2. The appellant/husband is the unsuccessful petitioner before the trial Court. The trial Court has dismissed the application filed for dissolution of marriage in S.M.O.P.No.2 of 2018 on the file of Principal District Court, Ramanathapuram. The said S.M.O.P.No.2 of 2018 was dismissed on 04.09.2019.

3. Now, the parties appeared before this Court and submitted that through the Mediation, they settled the dispute amicably and due to difference of opinion, it is difficult to continue the marital life. Hence, they decided to dissolve the marriage by mutual consent and a Memo of Compromise also filed before this Court. It is also stated that the appellant has also handed over the Demand Draft for a sum of Rs.4,00,000/- as full and final settlement as maintenance and the respondent has agreed to receive the same as full quit from the appellant herein. Further, no claim between the parties.

4. Considering the fact that the parties are residing separately for more than five years and the application in S.M.O.P.No.2 of 2018 was filed in the year 2018 and it was also dismissed on 04.09.2019, the period of six months required for obtaining the divorce by mutual consent is waived. Accordingly,



C.M.A.(MD).No.447 of 2021

the marriage between the parties effected on 07.11.2016, is hereby dissolved
by mutual consent, as per Section 28 of the Special Marriage Act.

5. In the result, the Civil Miscellaneous Appeal is disposed of. The
Compromise Memo filed by the parties shall form part of the decree and
judgment. No costs.

21.06.2023

akv

To

The Principal District Court,
Ramanathapuram.



WEB COPY



C.M.A.(MD).No.447 of 2021

N.SATHISH KUMAR,J.

akv

C.M.A.(MD).No.447 of 2021

21.06.2023