



C.M.A(MD)Nos.685 of 2022 and 448 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.M.A(MD)Nos.685 of 2022 and 448 of 2023
and
C.M.P.(MD)Nos.5944 of 2022 and 5623 of 2023

P.Kamakhya ... Appellant/Petitioner in C.M.A(MD)No.685 of 2022
& Appellant/Respondent in C.M.A(MD)No.448 of 2023

-VS-

J.Karthick ... Respondent/Respondent in C.M.A(MD)No.685 of 2022
& Respondent/Petitioner in C.M.A(MD)No.448 of 2023

PRAYER in C.M.A.(MD)No.685 of 2022: Civil Miscellaneous Appeal has been filed under Section 19(1) of the Family Courts Act, 1984 against the Order and Decree, dated 05.04.2022 made in H.M.O.P.No.134 of 2019 on the file of the Family Court, Madurai.

PRAYER in C.M.A.(MD)No.448 of 2023: Civil Miscellaneous Appeal has been filed under Section 19(1) of the Family Courts Act, 1984 against the Fair and Decretal order, dated 05.04.2022 made in H.M.O.P.No.678 of 2019 on the file of the Family Court, Madurai.



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In both appeal:

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For Appellant : Mr.Isaac Mohanlal
Senior Counsel
for M/s.Isaac Chambers

For Respondent : Mr.C.Mayilvahana Rajendran

COMMON JUDGMENT

[Order of the Court was made by RMT.TEEKAA RAMAN, J.]

By consent of both parties, the matters are taken up together by way of common disposal.

2.The appeal in C.M.A(MD)No.685 of 2022 is directed against the Order and Decree, dated 05.04.2022 made in H.M.O.P.No.134 of 2019 on the file of the Family Court, Madurai.

3.The appeal in C.M.A(MD)No.448 of 2023 is directed against the Fair and Decreetal order, dated 05.04.2022 made in H.M.O.P.No.678 of 2019 on the file of the Family Court, Madurai.



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4.For the sake of convenience, the parties are referred to as husband and wife.

5.The wife has filed H.M.O.P.No.134 of 2019 for annulment of marriage under Section 12(1)(a) of the Hindu Marriage Act and the husband has filed H.M.O.P.No.678 of 2019 for restitution of conjugal rights under Section 9 of the Hindu Marriage Act.

6.After trial, the Family Court at Madurai has dismissed the petition in H.M.O.P.No.134 of 2019 filed by the wife and decreed the petition in H.M.O.P.No.678 of 2019 filed by the husband and hence, the present appeals have been filed.

7.After hearing the learned Senior Counsel for the appellant/wife and the learned counsel for the respondent/husband, we felt that there is an element of settlement. Considering the future of both the parties, and to explore the possibility of an amicable settlement, the matter was referred to mediation. Mediation has taken place today ie., on 07.11.2023 before the Tamil Nadu Mediation and Conciliation Centre attached to the Madurai Bench of Madras



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High Court, where, a settlement agreement was rendered between the parties and duly counter signed by their respective counsel. Thereafter, with the Mediation report, the case was called in the Chamber.

8.We had personal interactions with the wife separately and the husband separately, along with their respective counsel and the terms of the settlement agreement were explained to both the parties and both of them accepted that they have signed in the respective places. The terms of settlement agreement is taken on file.

9.As we find that H.M.O.P.No.134 of 2019 filed by the wife is no longer necessary, accordingly, the same is hereby closed. In respect of H.M.O.P.No.678 of 2019 filed by the husband-Karthick for restitution of conjugal rights, in view of the settlement, the same is hereby modified into that of dissolution of marriage, considering the future of both the parties, the allegation or counter allegation against both the parties.

10.Accordingly, the marriage dated 23.08.2018 stands dissolved. The Civil Miscellaneous Appeal in C.M.A(MD)No.685 of 2022 is closed and



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C.M.A(MD)No.448 of 2023 is disposed of as per the terms of settlement agreement accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

[T.K.R., J.] [P.B.B., J.]

07.11.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

1.The Family Court, Madurai.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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