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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.09.2023**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**  
AND  
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

C.M.A.(MD)No.655 of 2023

G.Rajangam

...Appellant

/Vs./

1.Tharani  
2.Aravind

...Respondents

PRAYER:- Civil Miscellaneous Appeal- filed under Section 19(1) of the Family Courts Act, 1984 to call for the records pertaining to the executable order and fair order dated 31.01.2023 in O.P.(MD)No.85 of 2021 on the file of the Family Court, Sivagangai and to set aside the same.

|               |                        |
|---------------|------------------------|
| For Appellant | : Mr.R.Gowri Shankar   |
| For R2        | : Mr.Prasannarajadurai |
| For R1        | : No appearance        |



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## JUDGMENT

(Judgment of the Court was delivered by **DR.ANITA SUMANTH, J.**)

This matter was referred to mediation on 16.08.2023 and after several rounds of mediation, the parties have entered into an agreement on 07.09.2023, which is made part and parcel of the record and duly incorporated in this order. The agreement reads thus:

- 1. Disputes and differences had arisen between the parties hereto and CMA(MD).No.655/2023 was filed on 27.06.2023 before Madurai Bench of Madras High Court.*
- 2. The matter was referred to Mediation/Conciliation vide an order dated 16.08.2023 passed by the Hon'ble Dr. Justice Anitha Sumanth and the Hon'ble Mr. Justice R. Vijayakumar*
- 3. The parties agreed that V. Nagarajan would act as their Mediator/Conciliator.*
- 4. Several meetings were held during the process of Mediation/Conciliation from 21.08.2023 to 30.08.2023 and 07.09.2023 the parties have with the assistance of the Mediator/Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.*
- 5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator /Conciliator.*



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6. *The following settlement has been arrived at between the parties hereto:*

*A. The Appellant and the 1st Respondent agrees to dissolve their marriage by filing consent divorce petition together before the Hon'ble Family Court, Madurai immediately after the date of disposal of this appeal preferably within a week.*

*B. Both the above said Petitioner/Appellant and the above said 1st Respondent assures vice versa to give consent for divorce by filing consent divorce application before the Family Court and further that she will not make any claim for maintenance from the Appellant either at present or in future.*

*C. The 1st Respondent agrees to permit the appellant to visit the children on every fortnight of English Calendar month in a public place for ½ a day, as proposed by the Appellant. In case, if the appellant fails to visit the children by missing the fortnight period then he may be permitted to visit the children on the 4th Sunday of the said month.*

*7. By signing this Agreement the parties hereto state that they have no further claims or demands against each other with respect to C.M.A(MD).No.655/2023 and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of Conciliation/Mediation.”*

2.Learned counsel for the appellant makes an endorsement not pursuing this Civil Miscellaneous Appeal and the same is hence, closed in light of agreement dated 07.09.2023.



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3. Since substantial efforts have been put in by the Mediator leading to the finalization of agreement dated 07.09.2023, each party will pay a sum of Rs.5,000/- to the Mediator within a period of two weeks from today (i.e., 12.09.2023) and file a memo into the Court.

4. The parties have amicably agreed to file an application under Section 13-B of the Hindu Marriage Act seeking divorce by consent. In light of the fact that the parties have been before the Court since 2021, the period of six months (cooling off) stands waived. No costs.

**[A.S.M.J.] & [R.V.J.,]  
12.09.2023**

NCC : Yes/No  
Index : Yes/No  
Internet : Yes  
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***Note:*** Registry to release this order only upon receipt of memos as referred to in para 3 of this order.



To

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- 1.The Family Court, Sivagangai.
- 2.The Section Officer,  
Vernacular Section,  
Madurai Bench Of Madras High Court,  
Madurai.



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**DR.ANITA SUMANTH, J.**  
**AND**  
**R.VIJAYAKUMAR, J.**

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Order made in  
**C.M.A.(MD)No.655 of 2023**

Dated:  
**12.09.2023**