



C.M.A(MD)No.790 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
AND
THE HONOURABLE MR.JUSTICE P.B.BALAJI**

**C.M.A(MD)No.790 of 2023
and
C.M.P(MD)No.11198 of 2023**

A.Emily Sharon

...Appellant

.VS.

A.Robin Rath Prakash

...Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984, to call for the records relating to the fair and decreetal order dated 05.04.2023 passed in I.D.O.P.No.672 of 2021, on the file of the Family Court, Tiruchirappalli and set aside the same.

For Appellant

:Mr.R.Gandhi
Senior Counsel
for M/s.Gandhi Associates

For Respondent

:Mrs.S.Prabha



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C.M.A(MD)No.790 of 2023

JUDGMENT

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

This Civil Miscellaneous Appeal has been filed by the wife challenging the decree of dissolution of marriage granted by the Family Court, Tiruchirappalli under Section 10(1)(x) of the Indian Divorce Act. The marriage between the parties was solemnized on 17.01.2019 and they had no issues. As per the pleadings, they are living separately from 2020 onwards and hence, the husband filed I.D.O.P.No.48 of 2021 before the Additional District Judge, Srivilliputhur for dissolution of marriage under Section 10(1)(X) of the Indian Divorce Act on the ground of cruelty. Subsequently, the case was transferred to Family Court, Tiruchirappalli and renumbered as I.D.O.P.No.672 of 2021. The Family Court Judge, Tiruchirappalli allowed the said application. Aggrieved against the same, the wife has filed the present Civil Miscellaneous Appeal.



C.M.A(MD)No.790 of 2023

2. When the matter is pending before this Court, we referred the matter to the Mediation and Conciliation Centre attached to this Bench and the Mediator, Madurai Bench of Madras High Court was successful in completing the Mediation, resulted in arriving at a settlement of agreement on 06.11.2023. The Mediation report was received by this Court and the terms of settlement are stated in para-6 of the said agreement entered between the parties. The terms of agreement which was agreed to by both the parties, was signed by both the parties and their counsel respectively.

3. Taking into consideration the terms of agreement in paragraph-6 (a)(b)(c) and paragraph-7, we are of the considered view that the marriage between the parties stands dissolved by mutual consent as per Section 10-A of the Indian Divorce Act.

4. Accordingly, the Civil Miscellaneous Appeal is partly allowed and the marriage solemnized between the appellant and respondent is dissolved by a decree of divorce by mutual consent under Section 10-A of Indian Divorce Act. The settlement agreement entered between the parties shall form part and parcel of the judgment. The allegations and



C.M.A(MD)No.790 of 2023

counter allegations made by both parties against each other, stands withdrawn. Consequently, connected miscellaneous petition is closed.

[T.K.R.,J.] [P.B.B.,J.]
29.11.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
am

To
The Family Court,
Tiruchirappalli.



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C.M.A(MD)No.790 of 2023

RMT.TEEKAA RAMAN,J.
AND
P.B.BALAJI,J.

am

C.M.A(MD)No.790 of 2023

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