



S.A(MD).No.763 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

**S.A(MD)No.763 of 2015
and
C.M.P(MD)No.8173 of 2023**

Mohammed Azharudhin @ S.R.Murugan

... Appellant

Vs.

Hajirabanu @ Banu

...Respondent

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree, dated 30.11.2007 made in A.S.No. 15 of 2007, on the file of the Sub-Court, Periyakulam reversing the judgment and decree, dated 28.12.2006 made in O.S.No.287 of 2006, on the file of the District Munsif Court, Theni.

For Appellant : Mr.G.Mathavan

For Respondent : Mr.S.Anand Chandrasekaran
for Sarvabhauman Associates



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J U D G M E N T

The learned counsel appearing for the appellant as well as the respondent would submit that the parties have settled the disputes and also filed a Memorandum of Compromise evidencing the terms of settlement.

2. The appellant herein filed a suit in O.S.No.287 of 2006, on the file of the District Munsif Court, Theni for the relief of declaration that the dissolution of marriage I.e., 'Thalak' is valid.

3. After trial, the trial Court granted judgment and decree in favour of the plaintiff and as against the first defendant. Aggrieved by the judgment and decree passed by the trial Court, the first defendant filed an appeal before the Subordinate Court, Periyakulam in A.S.No.15 of 2007. The learned Subordinate Judge, after hearing the arguments, allowed the appeal and set aside the judgment and decree passed by the trial Court.



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Now, challenging the said judgment and decree passed by the first appellate Court, the plaintiff has filed the present second appeal before this Court.

4. Pending second appeal, both the parties settled their issues amicably and they entered into compromise. Today both the appellant and the respondent are present before this Court and they have filed a joint memo of compromise, dated 30.06.2023. The terms and conditions of the joint memo of compromise, dated 30.06.2023 also read over and explained and both the parties have accepted the terms and conditions, which has been reduced in writing. Both the parties and the counsel on record signed the Joint Compromise Memo, dated 30.06.2023.

5. In view of the same, the memorandum of compromise is recorded. The second appeal is allowed in terms of joint compromise memo dated 30.06.2023. The marriage solemnized between the appellant and the respondent, dated 01.03.1992 is dissolved in terms of compromise memo. The terms of joint memo of compromise, dated 30.06.2023 shall form part



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of the decree. No costs. Consequently, connected C.M.P(MD)No.8173 of 2023 is ordered.

NCC : Yes/No

Index: Yes/No

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Internet: Yes/No

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To

- 1.The Sub-Court,
Periyakulam.
- 2.The District Munsif Court,
Theni.
3. The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN, J.

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