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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.06.2023**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.A(MD)Nos.1195 and 1196 of 2022

and

C.M.P(MD)No.12240 of 2022

C.M.A(MD)No.1195 of 2022

A.Antony Sebastin Prakash :Appellant/Petitioner/Respondent

/vs/

A.L.Girija :Respondent/Respondent/Petitioner

C.M.A(MD)No.1196 of 2022

A.Antony Sebastin Prakash :Appellant/Petitioner/Respondent

/vs/

1.A.L.Kirisha :Ist Respondent/Ist Respondent
/Petitioner

2.Felix Sagayaraj :2nd Respondent/2nd Respondent/
Impleading Party

(Petition amended as per order in I.A.No.9 of 2022,
dated 15.07.2022)

PRAYER in C.M.A(MD)No.1195 of 2022: Civil Miscellaneous
Appeal filed under Section 55 of the Indian Divorce Act against the
fair and decretal order made in I.A.No.6 of 2021 in D.O.P.No.129 of



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2020, dated 1.10.2022, on the file of Family Judge, Tirunelveli and to set aside the same.

PRAYER in C.M.A(MD)No.1196 of 2022: Civil Miscellaneous Appeal filed under Section 55 of the Indian Divorce Act against the fair and decretal order made in I.A.No.7 of 2021 in D.O.P.No.129 of 2020, dated 1.10.2022, on the file of Family Judge, Tirunelveli and to set aside the same.

C.M.A(MD)No.1195 of 2022

For Appellant	:Mr.D.Saravanan
For Respondent	:M/s.Issac Mohanlal for Issac Chambers

C.M.A(MD)No.1196 of 2022

For Appellant	:Mr.D.Saravanan
For Respondent-1	:Mr.A.Karthick Kumar
For Respondent-2	:M/s.Issac Mohanlal for Issac Chambers

COMMON JUDGMENT

These two Civil Miscellaneous Appeals are arising out of the order of the trial Court dismissing the application to implead the so-called adulteror and another is to reject the counter-claim to seek for divorce on the ground of adultery.

2.Since both the appeals are arising out of the orders of the



trial Court in the same matrimonial proceedings in D.O.P.No.129 of 2020, both the appeals are taken up together.

3.Heard the learned counsel appearing on either side and perused the materials placed before this Court including the Joint Compromise Memo filed both the parties.

4.Today both the appellant/husband and the respondent/wife present before this Court in person and they filed a Joint Compromise Memo to the effect that in order to separate peacefully, they decided to dissolve their marriage by mutual consent and also agreed to waive all the allegations made against each other in the divorce proceedings. The Joint Compromise Memo filed before this Court is taken on record. The appellant/husband and the first respondent/respondent/wife appeared before this Court and when they are queried by this Court, both of them accepted to the terms of the Joint Compromise Memo and agreed to dissolve their marriage by mutual consent.

5.In such view of the matter, taking note of the fact that divorce application filed is of the year 2020 and the parties are at



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loggerheads even prior to the filing of divorce petition and are living separately for more than three years. Considering the pendency of the divorce petition pending before the trial Court, six months mandatory period which is termed as cooling period for seeking divorce, is waived and this Court is inclined to dissolve their marriage by a decree of divorce by mutual consent instead of driving the parties once-again to the trial Court, by accepting the terms of Joint Compromise Memo filed before this Court.

6. Accordingly, both the Civil Miscellaneous Appeals are disposed of in terms of the Joint Compromise Memo and the marriage solemnized between the appellant/husband and the respondent/first respondent/wife on 17.05.2015 is dissolved by a decree of mutual consent. The Joint Compromise Memo shall form part and parcel of the judgment and decree. The proceedings filed by both the parties before the trial Court stands closed. No costs. Consequently, connected Miscellaneous Petition is closed.

15.06.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
vsn



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To

- 1.The Judge,
Family Court,
Tirunelveli.
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SATHISH KUMAR.,J.

vsn

COMMON JUDGMENT MADE IN
C.M.A(MD)Nos.1195 and 1196 of 2022
and
C.M.P(MD)No.12240 of 2022

15.06.2023