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C.M.A.No.527 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

C.M.A.No.527 of 2024

Gayathri

..Appellant

Vs.

J.Gowdhaman @ Ganesh Kumar

..Respondent

Prayer: The Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act, 1984, against the fair and decreetal order dated 10.11.2023 passed by the III Additional Principal Family Court, at Chennai in H.M.O.P.No.2456 of 2019.

For Appellant : Mr.N.A.Nassair Hussain

For Respondent : Mr.D.Logendiran

J U D G M E N T

(Judgment of the Court was delivered by **J.Nisha Banu, J**)

This Civil Miscellaneous Appeal has been filed by the appellant/wife against the fair and decreetal order dated 10.11.2023 passed by the III Additional Principal Family Court, Chennai, in which, the petition filed by the appellant/wife for annulment of marriage was



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dismissed.

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3. Today, when the matter is taken up for hearing, the learned counsel for the appellant as well as the learned counsel for the respondent would state the appellant and the respondent had resolved all the issues between themselves and they have mutually agreed for divorce and they have also filed a joint memo of compromise dated 25.10.2024 which is duly signed by the parties and their respective counsel. Learned counsel appearing on either side would also state that the Civil Miscellaneous Appeal may be disposed of in terms of joint memo of compromise filed by the parties and that the marriage dated 14.11.2018, performed between the parties may be dissolved.

4. The joint consent memo filed by the parties dated 25.10.2024 is extracted hereunder:

JOINT MEMO OF COMPROMISE

This joint memo of compromise entered into at Chennai this the 23rd day of October 2024 between the appellant and the respondent herein is as follows:

1. It is submitted that the appellant and the respondent married as per Hindu rites and customs on 14.11.2018 and in the wedlock, they have no offspring.



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2. *The appellant herein filed HMOP No.2456 of 2019 on the file of III Additional Family Court, Chennai against the respondent herein under Section 12(1)(a) of the Hindu Marriage Act, 1955 to declare the marriage as nullity. The said HMOP No.2456 of 2019 came to be dismissed by fair and decretal order dated 10.11.2023. Against the same, the appellant herein has filed the above CMA.No.527 of 2024.*

3. *The appellant and the respondent have amicably resolved all issues between them and as they been living separately for more than six years from 2018-2024 and have not been able to live together and co-habit, have resolved to dissolve their marriage by mutual consent.*

4. *The respondent has agreed to handover all he belongings of the appellant viz., Silver articles comprising of Kuthuvizhakku - 2 Nos. Plate - 1 No., Tumbler - 2 Nos. Sandalpaste bowl-1 No., Kungumasimizh-1 No, Keychain-1 No. anklets - 1 pair, apart from all her clothes and sarees kept in the almirah before this Hon'ble Court on the date of hearing while recording this memo of compromise. Excepting the above said articles, the appellant and respondent have taken back their respective belongings and valuables and there is*



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no claim whatsoever in this regard.

5. The appellant and the respondent declare that there is no other civil or criminal case or police complaint against each other.

6. The appellant and the respondent shall not claim any present/ past or future maintenance at any point of time.

7. The appellant and the respondent have entered into this Joint Memo of Compromise without any force, fraud, coercion or undue influence and out of their own free will and volition.

8. The appellant and the respondent therefore pray that their marriage solemnized as per Hindu rites and customs on 14.11.2018 be dissolved by mutual consent and henceforth the appellant and the respondent shall cease to be husband and wife.

9. This memo of compromise shall form part of the decree in CMA No.527 of 2024.

It is therefore humbly prayed that this Hon'ble Court may be pleased to record the above joint memo of compromise and dissolve the marriage of the appellant and the respondent solemnised on 14.11.2018 by mutual consent by virtue of Section 13B of the Hindu Marriage Act, 1955 and thus render justice.

5. The above joint memo of compromise filed by the parties is



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recorded.

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6. In view of the above joint memo of compromise filed by the appellant and the respondent, the order and decretal order dated 10.11.2023 passed by the III Additional Principal Family Judge, Chennai in HMOP.No.2456 of 2019 are hereby set aside and the marriage solemnized between the appellant and the respondent on 14.11.2018 is dissolved and a decree of divorce is granted. Accordingly, the Civil Miscellaneous Appeal is disposed of in terms of the joint memo of compromise filed by the parties. The above joint memo of compromise dated 25.10.2024 shall form part of the decree. No costs.

(J.N.B,J.) (R.K.M., J.)
25.10.2024

Index : Yes / No
Internet : Yes
vsi

To
The III Additional Principal Family Court,
Chennai

J. NISHA BANU, J.
and
R.KALAIMATHI, J.

vsi



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