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C.M.P.No.1973 of 2024 in
C.M.A.No.1835 of 2022

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R.SURESH KUMAR, J.
and
K.KUMARESH BABU, J.

(Order of the Court was made by R.SURESH KUMAR, J.)

In the main CMA, by our order dated 07.12.2023 while disposing the said CMA in para 23, we have given a set of directions, where direction No.(d) reads thus:

“23 (d) Since the main O.P., has already reached the stage of arguments, we hereby direct the Court below ie., Principal Family Court at Chennai to decide the main O.P., in O.P.No.3590 of 2019 and pass final orders on or before 31.01.2024.”

2. Accordingly it seems that, the trial Court was hearing the matter to dispose the same on or or before 31.01.2024 as directed by this Court.

3. However, in the meanwhile it seems that, between the parties i.e., husband and wife there had been a settlement reached, pursuant to which they wanted to file petition for seeking divorce on mutual consent. In this regard, since the wife is in abroad, the necessary papers have to be signed by her and to be filed before the Court below. For this process



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since it takes sometime, before which if any orders on merits is passed on or before 31.01.2024 that will prejudice the interest of both the parties, therefore the husband has filed a memo before the Family Court to adjourn the matter on the ground that, extension petition to modify clause (d) of para 23 of the order dated 07.12.2023 since has been filed before this Court, however the said memo is not yet decided by the Family Court, only at this juncture the present petition is moved.

4. Heard Mr.G.Madhan Raj, learned counsel appearing for the petitioner and Mrs.K.Sumathi, learned counsel appearing for the respondent.

5. Both of them agreed that there had been a settlement between them, resultantly they want to file a petition for consent divorce before the Family Court, for which some time would be taken as one of the spouse is in abroad.

6. In view of the aforestated facts and circumstances, we deem it fit to allow this miscellaneous petition, by thus the clause (d) of para 23 of



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our order dated 07.12.2023 is hereby modified to the following extent.

Since the parties have come forward to settle the matter among themselves and would file necessary petition to that effect before the Family Court for its consideration, the disposal of the main OP i.e. O.P.No.3590 of 2019 can be deferred for further period of six weeks. It is made clear that, before the said time limit if both of them have not come forward to file the necessary petition as indicated above, it is open to the Family Court to pass orders on merits in O.P.No.3590 of 2019 immediately after the expiry of six weeks' time.

7. With this modification of the order dated 07.12.2023, this civil miscellaneous petition is ordered accordingly.

[R.S.K., J.] [K.B., J.]
31.01.2024

Note : Issue order copy on 01.02.2024
Sgl

R.SURESH KUMAR, J.
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31.01.2024