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C.M.A.No.897 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU
and
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.M.A.No.897 of 2024
and C.M.P.No.8285 of 2024

P.N. Balasubramanyam ... Appellant

Vs.

D.Devi @ Revathi ... Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 19 of the Family Court Act, to call for the records pertaining to the fair and decreetal order dated 10.01.2024 passed in O.P.No.2223 of 2019 on the file of the learned II Additional Principal Family Court at Chennai and set aside the same.

For Appellant : Mr.K.Govindan

For Respondent : Mrs.A. Sumathy

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JUDGMENT

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

This Civil Miscellaneous Appeal has been filed by the appellant/husband against the judgment and decree dated 10.01.2024 dismissing the divorce petition in O.P.No.2223 of 2019 filed by the appellant/husband on the ground of cruelty on the file of the learned II Additional Judge, Principal Family Court, Chennai.

2. Today, when the matter is taken up for hearing, learned counsel for the appellant and the respondent would state that pending the appeal, the appellant and the respondent settled the issue among themselves and decided to live separately. Learned counsel for the appellant and the learned counsel for the respondent filed a Consent Memo dated 17.12.2024 duly signed by the parties and their respective counsel. Learned counsel appearing on either side would state that the Civil Miscellaneous Appeal may be disposed of in terms of joint memorandum of compromise.



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3. The Consent memo dated 17.12.2024 is extracted hereunder:

"Consent memo filed by both parties:-

I am appellant herein and the above CMA came before the Hon'ble Division Bench on 20.11.2024, the Hon'ble Court orally directed the appellant to handover the Rs.8,00,000/- (Eight Lakhs only). Accordingly I stated that below mentioned Rs.8,00,000/- (Eight lakhs only) DD's are handed over to the respondent today i.e., on 17.12.2024 before the present of both the counsels.

- 1. D.D.No.145031 dated 09.12.2024 Rs.4,00,000(Four lakhs only)*
- 2. D.D.No.145036 dated 13.12.2024 Rs.4,00,000 (Four lakhs only)*

Respondent ready to give consent for divorce therefore gives no objection in the C.M.A.No.897 of 2024. Hence, this Court may be pleased to allow the CMA.

As already I have returned on 30.04.2024, 7 sovereigns gold jewels to the respondent and today remaining 1½ sovereigns gold jewels equal-ant paid by case Rs.85,800/- (Eight five thousand eight hundred only) and Rs.8,00,000/- (Eight lakhs only) to the respondent, the respondent also checked and received the D.D's.



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Thus, complied with the order of the trial Court dated 10.01.2024 on the file of the II Additional Principal Judge at Chennai.

Therefore, this Hon'ble Court may be pleased to record and allow the CMA."

4. The above Consent Memo is recorded. Since the parties have come to a settlement among themselves and do not have any objection for grant of divorce, there shall be decree for divorce. Therefore, the order 10.01.2024, dismissing the O.P.No.2223 of 2019, seeking to dissolve the Marriage, is hereby set aside. Accordingly, the Civil Miscellaneous Appeal is disposed of. The consent memo dated 17.12.2024, filed by the parties shall form part of the decree. Consequently, connected miscellaneous petition is closed. No costs.

(J.N.B., J.) (R.S.V., J.)
18.12.2024

rts



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To

The II Additional Judge,
Principal Family Court,
Chennai.



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and

R. SAKTHIVEL, J.

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