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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.04.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.S.A(MD)No.27 of 2013

Rajasekar

... Appellant

Vs.

Indumathi

... Respondent

PRAYER: Civil Miscellaneous Second Appeal is filed under Section 28 of Hindu Marriage Act & Section 100 of Civil Procedure Code against the Judgment and Decree made in C.M.A No.38 of 2010 dated 28.02.2013 by the Principal District Court, Dindigul, reversing the Judgment and Decree made in H.M.O.P.No.65 of 2009 dated 21.10.2010 by the Subordinate Court, Palani.

For Appellant : Mr.D.Venkatesh

For Respondent : Mr.G.Sridharan

JUDGEMENT

This present Civil Miscellaneous Second Appeal is filed against the Decree of Divorce passed in H.M.O.P.No.65 of 2009, dated 21.10.2010 on the file of the Subordinate Court, Palani.

2. The H.M.O.P.No.65 of 2009 was filed by the Husband seeking decree of divorce and the same was allowed. Aggrieved over the same the wife



has preferred an appeal in C.M.A No.38 of 2010 and the same was allowed.

Aggrieved over the same, the Husband has preferred this Appeal.

3. Pending this appeal, both the parties have entered into compromise. The wife has agreed for one time settlement of Rs.25,00,000/-. A joint compromise memo, dated 30.04.2024 has been filed. In the said compromise memo, all the parties to this appeal have signed, which have also been countersigned by the respective counsels. The said Joint Compromise memo is extracted hereunder:

“The parties above named beg to submit as follows:

1. The above appeal is filed against the judgment and decree dated 28.02.2013 made in C.M.A.No.38 of 2010 on the file of the Principal District Judge, Dindigul reversing the judgment and decree dated 21.10.2010 made in H.M.O.P.No.65 of 2009 on the file of the Subordinate Judge, Palani. The said H.M.O.P.No.65 of 2009 on Subordinate Judge, Palani the file of the was filed by the appellant under Section 12 [1] [b] of Hindu Marriage Act, 1855 to declare that the marriage held on 08.03.2009, between the appellant and the respondent as nullity.

2. At the intervention and as suggested by the elders, relatives and well-wishers, both the parties to the above appeal have mutually decided to enter into the compromise between themselves in the following terms:



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a. The appellant and the respondent herein had unconditionally withdraw all the allegations made against each other in H.M.O.P.No.65 of 2009 on the file of the Subordinate Judge, Palani.

b. The appellant shall pay a sum of Rs.25,00,000/- [Twenty Five lakhs), through demand draft in D.D. No.132700, dated 26.04.2024, drawn on state bank of India Branch, Palani to the respondent towards full and final settlement.

C. The appellant and the respondent herein have agreed by mutually consent to dissolve the marriage solemnized between themselves on 08.03.2009.

d. The appellant and the respondent agreed that there is no collusion or undue influence in seeking for the dissolution of marriage solemnized on 08.03.2009.

e. The appellant and the respondent pray that the Hon'ble Court may be pleased to pass a decree by dissolving the marriage solemnized between themselves on 08.03.2009, in supersession of the judgment and decree dated 28.02.2013 made in C.M.A.No.38 of 2010 on the file of the Principal District Judge, Dindigul reversing the judgment and decree dated 21.10.2010 made in H.M.O.P.No.65 of 2009 on the file of the Subordinate Judge, Palani."



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4. Accordingly, this Civil Miscellaneous second appeal is allowed in terms of the joint memo of compromise. The H.M.O.P No.65 of 2009 shall be decreed as per the Joint Compromise memo. The joint memorandum of compromise, dated 30.04.2024 shall form part and parcel of this Judgment and Decree. There shall be no order as to costs.

13.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA

Note: Issue order copy on 28.05.2024.



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- To
1. The Principal District Court,
Dindigul.
 2. The Subordinate Court, Palani.
 3. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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**Order made in
C.M.S.A(MD)No.27 of 2013**

30.04.2024