



C.M.A(MD)No.568 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.01.2024**

CORAM

THE HON'BLE MR.JUSTICE S.SRIMATHY

C.M.A(MD)No.568 of 2022

Sugirtha

... Appellant

Vs.

David Raja

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 55 of Divorce Act, 1869 read with Section 96 of C.P.C, 1908, against the judgment and decree, dated 30.10.2019, made in I.D.O.P.No.03 of 2018 on the file of Principal District Court, Ramanthapuram.

For Appellant : Mr.H.Mohamed Imran
for M/s.Ajmal Associates

For Respondent : Mr.D.Bala Muruga Pandi

JUDGEMENT

The parties appeared before the mediation and have decided to dissolve their marriage and a compromise memo has been filed to this effect.



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2. The settlement arrived before the mediation is extracted hereunder:

“The petitioner Sugirtha and David Raja (Respondent) decided to dissolve their marriage solemnized on 09.05.2011 by getting a decree of divorce on mutual consent. Their daughter viz., S.Adilya Salvin is in the custody of Sugirtha (Petitioner / Appellant) and David Raja (Respondent) has no objection in his child being in the custody of the appellant without there being any further claim. The appellant is not claiming any amount against the respondent and she has already collected all her belongings and there is no claim in any manner.

Joint Compromise Memo attached herewith.”

The compromise memo filed on behalf of both the parties states as under:

“COMPROMISE MEMO ON BEHALF OF BOTH THE PARTIES (APPELLANT AND RESPONDENT)

1. In view of the close relationship existing between the parties and the difficulty and uncertainty concerning the conducting civil proceedings the parties have compromised the dispute between them as under:-



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2. The Appellant herein filed I.D.O.P.No. 3 of 2018 on the file of the Hon'ble Principal District Court, Ramanathapuram seeking for the dissolution of her Marriage with the respondent herein and the same was dismissed by the Hon'ble Principal District Court vide its Judgment dated 30.10.2019. Aggrieved by the same, the appellant has preferred the present Civil Miscellaneous Appeal and the same is pending.

3. The marriage between the parties were solemnised on 09.05.2011 at C.S.I Church by following Christian Ceremonies. Out of the said wedlock, a girl child named S.Adilya Salvin was born on 06.01.2015 and she is now aged about 7 years. Owing to the temperamental differences and increasing incompatibility, the relationship between the parties deteriorated. So as to avoid further deterioration in their relationship, the parties have decided to separate on mutual consent.

4. In the above Appeal, the parties were referred for mediation. Though various efforts and attempts were made by both parties for reconciliation, none of them were ended in the reunion and hence, the marriage has broken down irretrievably. In the said mediation, the parties have compromised the dispute between them as under:



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i) *The parties i.e., Sugirtha (Appellant) and David Raja (Respondent) have decided to dissolve their marriage solemnized on 09.05.2011 by getting a decree of divorce on mutual consent.*

ii) *Their daughter viz., S.Adilya Salvin is in the custody of Sugirtha (Appellant) and David Raja (Respondent) has no objections in his child being in the custody of the Appellant without there being any further claim.*

iii) *The Appellant is not claiming any amount against the respondent as she has already collected all her belongings and there is no claim in any manner.*

iv) *The parties have to bear their respective costs.*

v) *It is prayed that a compromise decree may be passed in terms of the compromise referred to above and this compromise petition may form part of the order of this Hon'ble Court.*

*Sd/-
Appellant*

*Sd/-
Respondent*

*Sd/-
Counsel for Appellant*

*Sd/-
Counsel for Respondent*

Dated at Madurai this the 24th day of March, 2023."



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3. This Civil Miscellaneous Appeal is allowed on the above terms entered in the compromise memo. No costs.

24.01.2024

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

Tmg

To

1.Principal District Court, Ramanthapuram.

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

Tmg

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