



C.M.A(MD) No.1167 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

C.M.A(MD) No.1167 of 2023

M.Kalingaraj

... Appellant / Petitioner

Vs.

K.Janaki

... Respondent / Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of Family Courts Act, to call for the records in Judgment and decree dated 20.11.2021 passed in H.M.O.P.No.144 of 2019 by the Family Judge, Tiruchirappalli and to set aside the same.

For Appellant : Mr.M.Natarajan

For Respondent : Mr.Arockiaselvaraj



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ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

M.Kalingaraj S/o.Mani got married to K.Janaki D/o.Karuppasamy on 07.06.2015 at Lakshmi Mahal Wedding Hall at Kovilpatti as per Hindu rites and customs. A girl child was born on 04.05.2016 through the said wedlock. The relationship between the parties came under strain. Kalingaraj filed H.M.O.P.No.144 of 2019 on the file of the Family Court, Tiruchirappalli seeking divorce on the ground of cruelty. Kalingaraj examined himself as P.W.1. One Ananthi Vedhavalli was examined as P.W.2. Ex.P1 to Ex.P5 were marked. Janaki examined herself as R.W.1. Through the court witnesses, as many as five exhibits were marked. After considering the evidence on record, the trial Court dismissed H.M.O.P vide order dated 20.11.2021. Challenging the same, Kalingaraj / husband filed this civil miscellaneous appeal.

2. When the matter was taken up for hearing, we directed the parties to be present in person. Kalingaraj came forward to pay a sum of Rs.45,00,000/- towards full and final settlement within a period of six

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months. Janaki informed this Court that she has no objection for dissolving the marriage by mutual consent provided the aforesaid amount is paid. The parties also filed a joint consent memo. It is admitted that the parties are living separately since 17.01.2017. There is no scope for re-union. The marital relationship has broken down inevitably.

3. Taking into account the undertaking given by Thiru.Kalingaraj and considering the submission made by K.Janaki, the marriage that took place between them on 07.06.2015 at Lakshmi Mahal Wedding Hall at Kovilpatti stands dissolved by a decree of divorce by mutual consent. M.Kalingaraj is directed to pay K.Janaki a sum of Rs.25,00,000/- within four months from the date of receipt of a copy of this order. This amount shall be deposited in the bank account of Mrs.K.Janaki. M.Kalingaraj shall also deposit a sum of Rs.20,00,000/- in the name of his daughter minor Varnika. This fixed deposit shall be in Indian Overseas Bank, Crawford Branch, Colony Main Road, Trichy. (Account No. 175301000013982, Name: Varnika KJ). K.Janaki shall be shown as nominee / guardian. Janaki is declared as guardian for the minor child K.J.Varnika. She shall renew the fixed deposit if it matures before the



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child attains majority. She can withdraw the interest that may accrue periodically. M.Kalingaraj gives up the rights of guardianship as well as visitation rights over the child. The impugned order dated 20.11.2021 is set aside. The Civil Miscellaneous Appeal is disposed of in the above terms. No costs.

(G.R.S., J.) (R.P., J.)
12.12.2024

Index : Yes / No
Internet : Yes / No
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To

The Family Court Judge, Tiruchirappalli.



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AND
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