



C.M.S.A.(MD) No.18 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.M.S.A.(MD)No.18 of 2024

Mahesh Babu.
Appellant

...

VS.

Krishnapriya
Respondent

...

PRAYER: Civil Miscellaneous Appeal is filed under Section 28 of the Hindu Marriage Act, 1955 r/w Section 100 of C.P.C., against the judgment and award, dated 04.10.2023 made in C.M.A.No.13 of 2020 on the file of the Principal District and Sessions Court, Srivilliputhur confirming the fair and decreetal order dated 18.02.2020 made in H.M.O.P.No.43 of 2017 on the file of the Additional Sub Court, Srivilliputhur.

For appellant : Mr.R.Karunanidhi

For Respondent : Mr.S.Jawahar



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J U D G M E N T

This Civil Miscellaneous Second Appeal has been filed by the husband against the judgment and award, dated 04.10.2023 made in C.M.A.No.13 of 2020 on the file of the Principal District and Sessions Court, Srivilliputhur, confirming the fair and decreetal order dated 18.02.2020 made in H.M.O.P.No.43 of 2017 on the file of the Additional Sub Court, Srivilliputhur, in which the decree of divorce prayed by the husband was not granted.

2. This matter was referred to the Mediation Centre, by this Court on 29.08.2024, directing the parties to appear before the Mediation Centre attached to this Court on 06.09.2024.

3. On 22.10.2024, before the Mediation Centre, both the parties settled their issues amicably and decided to live separately. To that effect, Memo of Compromise-cum-Settlement Agreement has been arrived at between the parties on 22.10.2024 and the same has been duly signed by the parties and their respective



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counsels.

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4. Today, when the matter was taken up for hearing, the learned counsel appearing on either side would state that the Civil Miscellaneous Second Appeal may be disposed of in terms of Memo of Compromise-cum-Settlement Agreement.

5. The Memo of Compromise-cum-Settlement Agreement, dated 22.10.2024, reads as follows:-

SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT entered into on 22/10/2020 between **Mahesh Babu** and **Krishnapriya**.

WHEREAS

1. Disputes and differences had arisen between the Parties hereto and C.M.S.A.(MD)No.18/2024 was filed on July 2023, before the Madurai Bench.

2. The matter was referred to mediation/ conciliation vide an order dated 29.8.2024 passed by Hon'ble Justice Mr.Sunder Mohan.

3. The parties agreed that Ms.J. Anandhavalli would act as



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their Mediator/Conciliator.

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4. Several meetings were held during the process of Mediation/Conciliation from 06/9/2024 to 22/10/2024 and the parties have with the assistance of the Mediator/ Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.

5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/Conciliator.

6. The following settlement has been arrived at between the Parties hereto:

“As agreed by the parties in the Mediation on 11.09.2024, the appellant has withdrawn the G.W.O.P.No.27 of 2021 on 12.09.2024. The respondent has withdrawn the M.C.No.23 of 2021 on 19.09.2024. Both parties are not willing to live together, more so, they are living separately for more than 8 years. Dehors the allegation made in the H.M.O.P.No.43 of 2017, they want a decree of divorce. The appellant has agreed that he is not pressing the allegations in the H.M.O.P.No.43 of 2017. On the ground of living separately, love lost between the parties, no attempt made by either of the parties for reunion, desertion by each the party, they agreed that the marriage held on 02.07.2014 is dissolved and both the parties agreed that they have



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no claim each others.”

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7. By signing this agreement the parties hereto state that they have no further claims or demands against each other with respect to C.M.S.A.(MD)No.18/2024 (Case No) and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of conciliation/Mediation.

6. The above Memo of Compromise-cum-Settlement Agreement arrived at by the parties before the Mediation Centre on 22.10.2024 is taken on record. In view of the above Memo of Compromise-cum-Settlement Agreement filed by the appellant and the respondent, the judgment and decree passed by both the Courts below is set aside and the marriage solemnized between the appellant and the respondent on 02.07.2014 is dissolved and a decree of divorce is granted.

7. Accordingly, the Civil Miscellaneous Second Appeal is disposed of in terms of the Memo of Compromise-cum-Settlement Agreement filed by the parties. The above Memo of Compromise-cum-Settlement Agreement dated 22.10.2024 shall form part of the



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decree. No costs.

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15.11.2024

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

To

1.The Principal District and Sessions Judge, Srivilliputhur.

2.The Additional Sub Judge, Srivilliputhur.

3.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

R.KALAIMATHI,J



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