



C.M.A(MD) No.1118 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 28.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE P.VADAMALAI**

C.M.A(MD) No.1118 of 2024

S.Murugesan

... Appellant / Petitioner

Vs.

D.Divya

... Respondent / Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of Family Courts Act, to set aside the fair and decretal order in H.M.O.P.No.382 of 2023, dated 19.12.2023 on the file of the learned Family Court, Karur and allow this civil miscellaneous appeal.

For Appellant : Mr.S.Gokulraj

For Respondent : Mr.R.Devaraj



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ORDER

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

Heard both sides.

2. The appellant Murugesan married Divya as per Hindu rites and customs on 22.05.2015 at Palamalai. A girl child was born through wedlock. Difference of opinion arose between the parties. Murugesan filed H.M.O.P.No.382 of 2023 on the file of the Family Court, Karur seeking divorce on the ground of cruelty and desertion. H.M.O.P was dismissed vide order dated 19.12.2023. Questioning the same, Murugesan filed C.M.A.(MD)No.1118 of 2024. During the pendency of the appeal, there was negotiation between the parties. They agreed to dissolve their marriage by mutual consent. Accordingly, C.M.P. (MD)No.16817 of 2024 has also been filed.

3. The parties appeared before us in person last week. Today also, they are present through video conferencing mode. Divya categorically stated that she has received her permanent alimony and that she has no further claim against the husband / appellant. It has also been agreed that



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a girl child Nitharsha can be with the appellant and that the appellant would respect the visitation rights of the mother (Divya). Divya also acknowledges that she has received all the articles belonging to her. We are satisfied that the parties are remaining separate for more than two years. Therefore, cooling period of six months can also be waived. The marriage took place between Murugesan and Divya on 22.05.2015 at Palamalai stands dissolved by a decree of divorce by mutual consent. The Civil Miscellaneous Appeal is disposed of accordingly. No costs.

(G.R.S., J.) (P.V.M., J.)
28.11.2024

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

The Family Court, Karur.



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