



C.M.S.A.(MD) No.12 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

C.M.S.A.(MD) No.12 of 2024

Maheswaran

... Appellant / Appellant / Petitioner

Vs.

Kala

... Respondent / Respondent / Respondent

Prayer: Civil Miscellaneous Second Appeal filed under Section 28 of Hindu Marriage Act and Section 100 of Civil Procedure Code against the judgment and decree passed in H.M.C.M.A.No.1 of 2023 on the file of the Additional District Court, Paramakudi, dated 14.03.2024, confirming the fair and decreetal order passed in H.M.O.P.No.33 of 2020, dated 18.10.2022 on the file of the Sub Court, Paramakudi, by allowing the Civil Miscellaneous Second Appeal.

For Appellant : Mr.D.Balamurugapandi

For Respondent : Mr.S.Anand Chandrasekar,
for Mr.Saravabhaman Associates



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J U D G M E N T

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The appellant, aggrieved by the dismissal of the divorce petition, which was confirmed by the lower appellate Court, has preferred the present Civil Miscellaneous Second Appeal.

2. Pending disposal of the appeal, the parties have entered into compromise, and they have also filed a joint compromise memo dated 23.10.2024, which, read as follows:

“The appellant as petitioner filed H.M.O.P.No. 33/2020 on the file of the Sub Court, Paramakudi against the respondent seeking divorce on the ground of cruelty. The trial court dismissed the petition by its order dated 18.10.2022. Aggrieved, the appellant herein preferred Civil Miscellaneous Appeal in C.M.A.No. 1/2023 on the file of the Additional District Court, Paramakudi. The Appellate Court dismissed the appeal by its judgment and decree dated 14.03.2024. Aggrieved the appellant has filed the Civil Miscellaneous Second Appeal. With an intention to resolve the issues between them in an amicable manner, the appellant and respondent on the basis of mutual consent have arrived at a compromise. The terms of the said compromise are as follows:



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Terms of Compromise:

i) *Both the appellant and respondent agree for amicable separation and dissolution of their marriage.*

ii) *In lieu of past and future maintenance of respondent, the appellant has paid a sum of Rs.6,00,000/- (Rupees Six Lakhs only) by way of cash to the respondent, which the respondent hereby acknowledges. The respondent agrees that she will not claim any maintenance amount from appellant in future.*

iii) *The respondent was residing at the first floor portion of appellant's parents house. On account of compromise between appellant and respondent, the respondent has vacated the residence and handed over the possession of the same, which the appellant acknowledged,*

iv) *The respondent has received all her jewellery and household articles from the appellant. The respondent does not have any claim against the appellant or his parents regarding any of her properties.*

v) *The appellant has no claim against the respondent, with respect to any of his properties.*



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Therefore, it is humbly prayed that this Hon'ble Court may be pleased to record the Joint Compromise Memo and close the Civil Miscellaneous Second Appeal No.12 of 2024 and thus render justice."

3. The parties are present before this Court, and the learned counsel have identified the respective parties. The Joint Compromise Memo dated 23.10.2024 shall form part of the record, and the marriage is dissolved in terms of the compromise.

4. This Civil Miscellaneous Second Appeal is disposed of on the above terms. No costs.

23.10.2024

Index: Yes/ No
NCC: Yes / No
Speaking Order / Non-Speaking Order
TSG



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To:

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1. The Additional District Court, Paramakudi.
2. The Sub Court, Paramakudi.
3. The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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