



C.M.S.A(MD)No.9 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 07.11.2025

CORAM:

THE HONOURABLE MS.JUSTICE R.POORNIMA

C.M.S.A.(MD)No.9 of 2018

Thangavel

... Appellant/ Respondent /Petitioner

Vs.

Kalyani

...Respondent/Appellant/Respondent

PRAYER: Civil Miscellaneous Second Appeal filed under Section 28 of the Hindu Marriage Act r/w. Section 100 of CPC, to set aside the award made in HMCMA.No.4 of 2013 dated 11.08.2016 on the file of the 1st Additional District Court, Tirunelveli reversing the Order and decretal order dated 31.01.2013 made in HMOP.No.30 of 2007 on the file of the Additional Subordinate Court, Tenkasi and allow this Civil Miscellaneous Second Appeal.

For Appellant : Ms.A.Niveditha
for Mr.S.Madhavan

For Respondent : Mr.T.Selvan



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JUDGMENT

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The Appellant/ Respondent /Petitioner/husband has filed this Civil Miscellaneous Second Appeal against the judgment and decree order dated 11.08.2016 passed in HMCMA.No.4 of 2013 on the file of the 1st Additional District Court, Tirunelveli reversing the Order and decretal order dated 31.01.2013 made in HMOP.No.30 of 2007 on the file of the Additional Subordinate Court, Tenkasi.

2.Earlier the matter was referred to the Mediation and Conciliation Centre with the consent of the parties.

3. Pending appeal, the parties have entered into a settlement, in which, they have agreed for divorce. The terms of Settlement Agreement has been reduced into writing and both the parties as well as their respective counsel signed the Settlement Agreement.

4. Before the Mediation and Conciliation Centre, the parties have arrived at settlement, dated 21.02.2025 which are as follows:-

1. Disputes and difference had arisen between the parties hereto and CM.SA(MD)No.9/2018 was filed on 17.11.2016 before Hon'ble Madurai Bench of Madras



High Court.

2. The matter was referred to mediation/ conciliation vide order dated 18.12.2024 passed by Hon'ble an Mrs.Justice R. Kalaimathi

3. The Parties agreed that J.Padhmaavathi Devi and B.Rajendran would act as their Mediators/ Conciliators.

4. Several meeting were held during the process of Mediation/conciliation on 29.01.2025 to 21.02.2025 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 here to 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:

A. The parties marriage took place on 10.09.2006. Thereafter they got separated after 7 months from the date of marriage. At the date of separation she did not even taken her clothes when she left to her parents house.

B. Then she (respondent wife) filed Criminal Complaint against her husband (petitioner herein) Then the petitioner filed an petition for



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divorce. Against the same, wife filed an appeal and the same was allowed on the ground that pre divorce period was not fulfilled on the date of filing the petition for divorce. Hence, the petitioner husband filed the Second Appeal under CMSA(MD) No.9/2018 before this Hon'ble Madurai High Court Bench and the same is pending.

C. Thus pending the above second appeal the matter was referred to mediation. As there was a long battle between the parties and the marriage has also become irretrievable the respondent wife agreed for a one time settlement.

D. The husband on the other hand requested not to file any more cases as there is no occurrence took place as alleged by her. The respondent/wife also agreed for the same.

E. Finally they agreed for a sum of Rs.10,00,000/- (Rupees Ten lakhs only) as a one time settlement. Thereby they agreed to separate and live their own lives.

F. The petitioner/husband agrees to pay the said amount of Rs. 10,00,000/- (Rupees Ten lakhs only) in three installments. Further he agrees to pay the first installment within 2 months and the remaining 2 installments by 4 months. So, totally within 6 months he agrees to settle the total



amount.

G. Thus the parties have agreed for the said agreement before the Mediation. The respondent/Wife agrees that she will not raise any future claim.

7. By signing this agreement the parties hereto state that they have no further claims or demands against each other with respect to CM.SA(MD) No.9/2018 (Case No) and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliator/ Mediation.

5. The respondent/wife has filed a receipt before this Court today ie., 07.11.2025 stating that she has received the entire settlement amount of Rs.10,00,000/-.

6. The parties are also present before this Court and they have affirmed the Settlement Agreement, wherein they have agreed that the marriage could be dissolved.

7. Since the matter has already been amicably settled between the parties and the wife has received the maintenance amount as a one time settlement. She has also explained that she has no objection



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to grant decree of divorce. Considering the fact that there is no possibility of reunion between the parties and in view of the settlement arrived at between them, this Court is of the considered opinion that the marital relationship has irretrievably broken down. Accordingly, this Court confirms the order dated 31.01.2013 passed in HMOP.No.30 of 2007 on the file of the Additional Subordinate Court, Tenkasi.

8. In the result, the Civil Miscellaneous Second Appeal is allowed granting decree of divorce in favour of the appellant in terms of the Mediation Report (Settlement Agreement). The Mediation Report shall form part and parcel of the decree. No costs.

07.11.2025

Index : Yes / No
NCC : Yes / No
RM



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To

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1.The 1st Additional District Court,
Tirunelveli.

2.The Additional Subordinate Court,
Tenkasi.

Copy to

1.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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R.POORNIMA, J.

RM

Judgment in

C.M.A.(MD)No.9 of 2018

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