



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MR JUSTICE C.KUMARAPPAN**

C.M.A(MD)No.945 of 2023

Priya Dharshini

... Appellant/Petitioner

.Vs.

M.Karthick

... Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, praying this Court to set aside the fair and decretal order made in H.M.O.P.No.48 of 2018, dated 16.05.2023, on the file of Family Court, Tiruchirappalli.

For Appellant : Mr.J.Maria Roseline

For Respondent : Mr.V.Meenakshisundaram



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JUDGMENT

DR.G.JAYACHANDRAN,J.
AND
C.KUMARAPPAN,J.

This Civil Miscellaneous Appeal is directed against the order made in H.M.O.P.No.48 of 2018, dated 16.05.2023, on the file of Family Court, Tiruchirappalli.

2.H.M.O.P.No.48 of 2018 filed by the wife for divorce on the ground of cruelty and desertion was dismissed by the trial Court on 16.05.2023. Aggrieved by the dismissal of her petition for divorce, the wife preferred the present appeal in C.M.A(MD)No.945 of 2023 and the same is pending for consideration before this Court.

3.The specific case pleaded in the divorce petition is that the appellant married the respondent on 23.11.2015 at Srirangam as per Hindu rites and customs. But the marriage did not sustain for long due to the illtreatment of the respondent/husband. From January 2016 onwards, both are living separately. However, the plea of cruelty and desertion did not find favour with the trial



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Court. Hence the divorce petition was dismissed. Now pending appeal, both the parties have entered into a compromise and filed a Joint Compromise Memo stating that they have realised that their marriage has broken down irretrievably and the possibility of reunion has become remote. They want to get separated by consent and therefore, they have filed this Joint Compromise Memo and requested this Court to treat it as a joint petition for dissolution of marriage by mutual consent on the ground of incompatibility and prolonged separation. Both the parties are present before this Court physically and they are identified by their respective counsels. The Joint Compromise Memo was signed by both the parties and by their respective counsels. The parties have prayed for dissolution of marriage solemnized between them on 23.11.2015 by mutual consent and that neither of them have any mutual claim against each other in future, both monetary and otherwise. All the claims towards maintenance past, present and future has been waived by both the parties

4. In view of the Joint Compromise Memo filed by both the parties, the Civil Miscellaneous Appeal is disposed of in terms of the Joint Compromise Memo and the marriage solemnized between the appellant and respondent on



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23.11.2015 at Srirangam according to Hindu rites and customs is dissolved by a decree of divorce by mutual consent. The Joint Compromise Memo filed by both the parties shall form part and parcel of the decree. There is no order as to costs.

[G.J.,J.] [C.K.,J.]
24.01.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

- 1.The Judge,
Family Court,
Tiruchirappalli.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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DR.G.JAYACHANDRAN, J.
and
C.KUMARAPPAN,J.

vsn

JUDGMENT MADE IN
C.M.A(MD)No.945 of 2023

24.01.2024