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C.M.A.No.448 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE P.DHANABAL

C.M.A.No.448 of 2019

Vinod S/o. Selvam

... Appellant / Petitioner.

vs.

Tamilarasi W/o. Vinod

... Respondent / Respondent

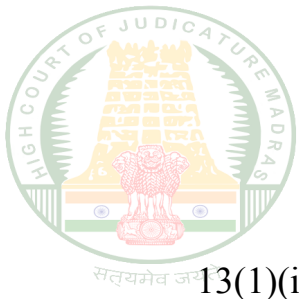
PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1994 to set aside the Award dated 15.11.2018 in H.M.O.P. No.40 of 2017 passed by the Family Court, Ariyalur.

For Appellant : Mr. M.R. Kuyilan

JUDGMENT

(Judgment of the Court was made by P.DHANABAL,J.)

This Civil Miscellaneous Appeal has been preferred as against the fair and decreetal order passed by the Family Court, Perambaur in H.M.O.P. No.40 of 2017 dated 15.11.2018, wherein the appellant herein has filed a petition seeking divorce as against the respondent under Section



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13(1)(ia) of the Hindu Marriage Act and the same was dismissed. Against which, the present Civil Miscellaneous appeal has been preferred.

2. The Trial Court after evaluating the oral and documentary evidences adduced on both sides, dismissed the petition through the impugned order. Aggrieved by the said order, the present appeal has been preferred by the appellant husband. During the pendency of the appeal, the parties were directed to appear before the Mediation Centre for mediation and conciliation. Through mediation, the matter has been amicably settled between the parties. Both the parties have entered into a settlement through Mediation Centre. The Mediation Centre recorded the compromise between the parties and submitted report before this Court.

3. Both the parties consented for divorce and to dissolve the marriage held between them. As per the Settlement memo, the appellant agreed that the respondent is entitled to have the permanent custody of the minor child namely Jeevitha and the appellant shall not have any visitation right of the minor child. The appellant agreed to pay Rs.25,00,000/- through Demand Draft as permanent alimony and maintenance amount for the benefit of the respondent and the minor child. The appellant and the

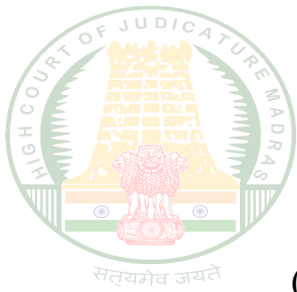


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respondent have exchanged their respective valuables and articles and declared not to claim any share of movable or immovable properties possessed or owned by each other in the present or in future. Both the parties agreed to withdraw the Domestic Violence Case in D.V.C. No.9 of 2020 in Crl. M.P. No.1048 of 2024 in Crl. M.P. No.2155 of 2024 in Crl.M.P. No.1 and 2 of 2025 on the file of the Additional Mahila Court, Ariyalur. To that effect, they had entered into settlement.

4. This Court also perused the compromise memo dated 23.07.2025, where the parties along with their respective counsels signed in the Memo before the Mediation Centre. Therefore, this Court is also inclined to accept the compromise between the parties. However, as far as granting divorce is concerned, the trial Court dismissed the H.M.O.P. No.40 of 2017 filed by the appellant husband for the relief of divorce and now both the parties have mutually consented for divorce and therefore, it is appropriate to direct the parties to approach the appropriate Forum by way of filing appropriate application in accordance with law. Therefore, in view of the above said settlement reached between the parties, this Court is inclined to pass the following order:



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(i) The parties are permitted to approach the trial Court by filing a petition under Section 13B of the Hindu Marriage Act. On such application filed by the parties, they can seek waiver for 6 months statutory period provided under the Act.

(ii) On such waiver application filed by the parties, the trial Court shall consider the same taking into consideration the pendency of the litigation between the parties for a long time and shall pass orders in accordance with law.

(iii) The Memo of Compromise shall form part of this order.

5. With the terms indicated above, this Civil Miscellaneous Appeal is ***disposed of***, accordingly. There shall be no order as to costs.

(R.S.K.J.) & (P.D.B.J)

01.08.2025

mjs

Internet : Yes

Index: Yes/No

Neutral Citation: Yes/No

To

The Judge,
Family Court,



Ariyalur.
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R. SURESH KUMAR,J
and
P.DHANABAL,J

(mjs)

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