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C.M.A.No.239 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE P.DHANABAL

C.M.A.No.239 of 2024

Theodar Livingston J S/o. D. Jesudoss ... Appellant / Petitioner

vs.

Vidhya D/o. Chellamaiah ... Respondent / Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1994 to set aside the Award dated 21.11.2023 in I.D. O.P. No.3410 of 2022 passed by the III Additional Principal Family Court, Chennai.

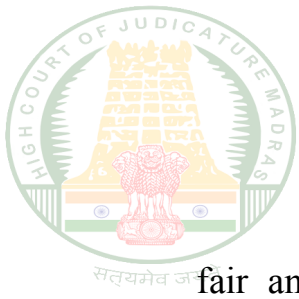
For Appellant : Mr.R. Subramaniyan

For Respondent : Mr. B. Mohan

JUDGMENT

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

This Civil Miscellaneous Appeal has been preferred as against the



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fair and decreetal order passed by the III Additional Principal Family Court, Chennai in I.D. O.P. No.3410 of 2022 dated 21.11.2023, wherein the appellant herein has filed a petition seeking divorce as against the respondent under Section 10(1)(ix)(x) of the Divorce 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. As per the Settlement memo, the appellant paid a sum of Rs.16,50,000/- (Rupees Sixteen Lakhs Fifty Thousand only) to the respondent by way of Demand Draft towards full and final Settlement



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amount. The appellant agreed to release the following four Fixed Deposits and Saving Bank Account into the name of the respondent by executing necessary discharge / release forms to facilitate the respondent to convert those deposits into her name

(i) Savings Bank Account No.20285046756 at State Bank of India, Mogappair East Branch, Chennai.

(ii) FDR A/c. No.35178338606 at State Bank of India, Mogappair East Branch, Chennai.

(iii) FDR A/c No.36062507228 at State Bank of India, Mogappair East Branch, Chennai.

(iv) FDR A/c No.36062544545 at State Bank of India, Mogappair East Branch, Chennai.

(v) FDR A/c. No.35469003714 at State Bank of India, Mogappair East Branch, Chennai.

All the other belongings of both the parties have already been mutually exchanged and acknowledged. To that effect, they had entered



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into settlement.

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4. This Court also perused the compromise memo dated 31.07.2025, 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 I.D. O.P. No.3410 of 2022 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:

(i) The parties are permitted to approach the trial Court by filing a petition under Section 10A of the Indian Divorce Act, 1869. 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.



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(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)

06.08.2025

mjs

Internet : Yes

Index: Yes/No

Neutral Citation: Yes/No

To

The III Additional Principal Judge,
The Family Court,
Chennai.



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

(mjs)

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