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C.M.A.No.890 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

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Vinoth M/a.34 years,
S/o.Ramesh,
D.No.1/32 Vinayagar Koil Street,
Poondi,
Thiruvallur District.

... Appellant

Vs.

Kanniyammal, F/a 30 years,
D/o.Raveendran,
D.No.1/32 Vinayagar Koil Street,
Poondi,
Thiruvallur District.

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, 1984 read with 28 of the Hindu Marriage Act, 1955 against the Decree and Judgment dated 18.01.2024 made in H.M.O.P.No.110 of 2022 on the file of the Family Court, Tiruvallur.



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For Appellant : Mr.C.Prabakaran, Mr.R.Parthiban, Advocates.

For Respondent : Ms.A.Renita Selvi, Advocate.

J U D G M E N T

(Delivered by Dr. A.D. Maria Clete, J)

This Civil Miscellaneous Appeal is directed against the order of the Family Court, Thiruvallur, dismissing H.M.O.P. No. 110 of 2022, a petition seeking dissolution of the marriage between the appellant and the respondent.

2. On 28.03.2025, this Court referred the matter to the Mediation Centre to explore the possibility of an amicable settlement between the parties.

3. When the appeal was taken up for hearing, the Mediation Centre reported that a settlement had been reached between the parties, and its mediation report dated 08.10.2025, together with the settlement agreement signed by both parties, has been forwarded to this Court.

4. Placing reliance on the settlement agreement, learned counsel on both sides submit that, as the appellant/husband and the respondent/wife have



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consented to a divorce and the appellant has agreed to pay Rs. 13,00,000/- towards maintenance and permanent alimony for the respondent and the minor children, this Court may record the same, set aside the impugned judgment, and grant a decree of divorce between the parties.

5. We have considered the submissions of learned counsel on both sides and noted the contents of the settlement agreement.

6. As the Family Court, Thiruvallur has already adjudicated the matter on merits by dismissing the appellant's divorce petition, any compromise reached between the spouses, pursuant to which they seek to invoke Section 13B of the Hindu Marriage Act, 1955, shall be worked out before the Family Court, Thiruvallur.

7. That being so, even if the settlement agreement is taken on record, the decree of dissolution under Section 13B of the Act shall be passed by the trial court, i.e., Family Court, Thiruvallur. Accordingly, this appeal is disposed of with the following directions:



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- a) The settlement agreement dated 08.10.2025, filed by the appellant/husband and the respondent/wife and signed by both parties and their respective counsel, is taken on record.
- b) In view of the compromise recorded in the settlement agreement, and as both parties consent to divorce, they are granted liberty to file a petition under Section 13B of the Hindu Marriage Act, 1955, seeking a decree of divorce by mutual consent on the basis of the settlement, within one month from the date of receipt of a copy of this order.
- c) Upon such petition being filed, the Family Court, Thiruvallur shall, after waiving the statutory six-month period, take the petition on file, secure the presence of the parties before the Court, and dispose of it instantly without causing any delay.

8. Recording the settlement agreement dated 08.10.2025 and in terms of the above directions, the Civil Miscellaneous Appeal stands dismissed. No costs.

(R.S.K., J) (A.D.M.C., J)
12.11.2025

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Index: Yes / No

Speaking Order / Non-speaking Order



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To

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- 1.The Family Court,
Thiruvallur.
- 2.The Section Officer,
VR Section,
High Court of Madras,
Chennai.



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**R.SURESH KUMAR, J
and
DR. A.D. MARIA CLETE, J**

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