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C.M.A.No.1378 of 2025

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.1378 of 2025
and C.M.P. No.11721 of 2025

M. Padmashree D/o. N. Madhavan ... Appellant / Respondent

vs.

P. Kaushik S/o.Prakash ... Respondent / Petitioner.

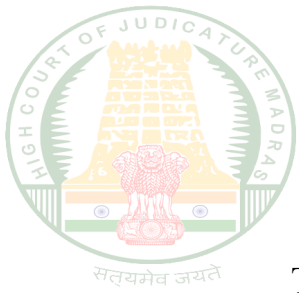
PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1994 to set aside the Award dated 16.12.2024 in O.P. No.92 of 2021 passed by the learned Principal Judge, Family Court, Chennai.

For Appellant : Mr.A.M. Venkata Krishnan

For Respondent : Ms. P.A. Samyuktha for
M/s. A.S. Kailasam & Associates.

JUDGMENT

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



C.M.A.No.1378 of 2025

WEB COPY

This Civil Miscellaneous Appeal has been preferred as against the fair and decreetal order passed by the Principal Judge, Family Court, Chennai in O.P. No.92 of 2021 dated 16.12.2024, wherein the respondent herein has filed a petition under Section 12(1)(a) and (b) of the Hindu Marriage Act to declare the marriage solemnized between the appellant and the respondent as null and void and the same was allowed. 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, allowed the petition through the impugned order. Aggrieved by the said order, the present appeal has been preferred by the appellant wife. 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 respondent paid a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the appellant towards a full and



C.M.A.No.1378 of 2025

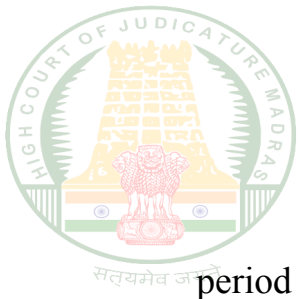
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final Settlement amount of all claims towards permanent alimony and the appellant also agreed with the receipt of the said amount and both parties agreed to dissolve their marriage by a Decree of Divorce by mutual consent. To that effect, they had entered into settlement.

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. The trial Court also allowed the O.P. No.92 of 2021 filed by the respondent husband for the relief of nullify of marriage and now both the parties have mutually consented for divorce. Therefore, in view of the above said settlement reached between the parties, this Court is inclined to allow the appeal by setting aside the order of trial Court declaring the marriage as null and void.

5. With the terms indicated above, this Civil Miscellaneous Appeal is *allowed*.

5(i) The parties are at liberty 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



C.M.A.No.1378 of 2025

WEB COPY

period provided under the Act.

5(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.

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

There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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

06.08.2025

mjs

Internet : Yes

Index:Yes/No

Neutral Citation:Yes/No

To

The Principal Judge,
Family Court,
Chennai.



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C.M.A.No.1378 of 2025

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

(mjs)

C.M.A.No.1378 of 2025

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