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AS.No.589 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

AS.No.589 of 2025

Arun Hemdev @ Arun V.Hemdev ... Appellant / Defendant

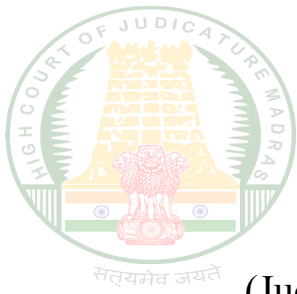
Vs.

Neetu R.Lulla @ Megha Hemdev ... Respondent / Plaintiff

Prayer: Appeal Suit filed under Section 19 of the Family Court Act, 1984 r/w Section 96 of CPC., to set aside the Judgment and Decree dated 07.03.2019 made in O.S.No.172 of 2018 on the file of the II Additional Family Court at Chennai.

For Petitioner : Mr.Himanshu Nagarkar

For Respondent : Mrs.B.S.Ajeetha



JUDGMENT

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

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The appeal suit has been instituted to assail the judgment and decree passed by the II Additional Family Court, Chennai dated 07.03.2019 in O.S.NO.172 Of 2018.

2. The marriage between the appellant and the respondent was solemnized on 21.05.2003 at 'Grand Sangram Ballroom' J.W.Marriot Hotel, Juhu Jara Road, Juhu, Mumbai as per the Hindu rights and customs and the marriage was registered before the Marriage Registrar on 23.05.2003 at Sub Registrar Office, Mumbai in Sr.No.1881 of 2003. From and out of the wedlock, one female child born on 07.08.2008 and presently aged about 16 years. The minor daughter is now living with the appellant / father. The parties led their matrimonial life at Dubai. On account of misunderstanding between the appellant and the respondent, a matrimonial suit was instituted before the Court at Dubai and a Decree of Divorce was granted. Thereafter, the respondent / wife came to India and settled along with her parents at Chennai. She filed a suit in OS No. 172 of 2018 on the file of the II

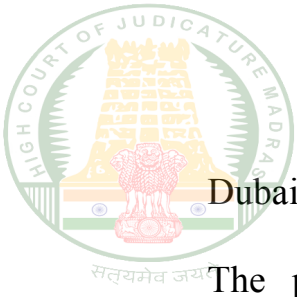


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Additional Family Court, Chennai to annul the judgment and decree passed in Case No. 1633 of 2017, Personal Laws for Muslims Court in Dubai dated 22.01.2018. The II Additional Family Court, Chennai adjudicated the issues and decreed the suit in favour of the respondent / wife. Consequently, the matrimonial relationship between the appellant and the respondent legally restored. However, the parties continued to live separately.

3. On account of efflux of time, both the appellant and the respondent want to settle and lead their life in a peaceful manner. Thus, a consensus arrived between the parties and both the parties have filed their respective affidavits before this Court stating that a consent for restoration of the Decree of Divorce passed in Case No. 1633 of 2017, Personal Laws for Muslims Court in Dubai dated 22.01.2018, so as to give quietus to their matrimonial relationship.

4. In this context, the learned Counsel for the appellant and the respondent jointly made a submission that the parties have agreed to dissolve the marriage by way of consent. In this regard, a Memorandum of Understanding dated 09.12.2024 was entered into between the parties at



Dubai, where the husband is permanently residing along with the daughter.

The parties have agreed to abide by the terms of Memorandum of Understanding dated 09.12.2024 and they have no claim / complaints against each other. All the complaints earlier lodged were withdrawn. They have further consented to restore the Decree of Dissolution of marriage granted by the Court at Dubai.

5. The appellant appeared before this Court through video conferencing from Dubai. The respondent is physically present before this Court. The Consent between the parties are verified by this Court.

6. In view of the above factum, the Judgment and Decree dated 07.03.2019 passed in O.S.No.172 of 2018 on the file of the II Additional Family Court at Chennai is set aside and the Judgment of Divorce in Case No. 1633 of 2017, Personal Laws for Muslims Court in Dubai dated 22.01.2018 is binding on the parties as per their own Memorandum of Understanding.



AS.No.589 of 2



In the result, the Appeal Suit stands allowed. No costs.

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[S.M.S,J.] [K.R.S,J.]
25.04.2025

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

II Additional Family Court at Chennai.



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AS.No.589 of 2

S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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