



C.M.A.No.253 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 06.03.2025

CORAM

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

C.M.A.No.253 of 2018

Amala Das @ V.G.S Rajesh Amaladas ... Appellant

-Vs-

Anita Jeyachandini ... Respondent

PRAYER : Appeal under Section 19 of the Family Courts, Act 1984 against the order and decretal order of the learned IV Additional Principal Judge, Family Court, Chennai dated 25.10.2017 made in O.P.No.2650 of 2012.

For Appellant : Mr.N.Alagu Narayanan
for M/s.RRN Legal

For Respondent : Mr.M.L.Ramesh

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This civil miscellaneous appeal has been directed against the order passed by the learned IV Additional Principal Judge, Family Court, Chennai dated 25.10.2017 in O.P.No.2650 of 2012.

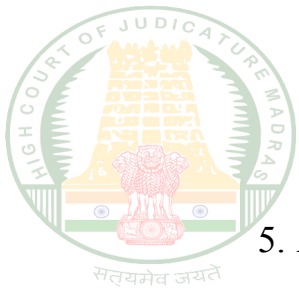


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2. Before the trial Court, the husband filed the said OP seeking for divorce under Section 10(1)(ix) of the Divorce Act, 1869 praying for dissolving the marriage solemnized between the petitioner and the respondent, i.e., appellant and the respondent herein dated 29.09.1995 on the ground of desertion.

3. The trial Court after having gone through the merits of the case as well as the evidence adduced before it has ultimately come to the conclusion that, the petition was deserved to be dismissed, accordingly, it was dismissed through the impugned order. As against which, this appeal has been filed by the appellant / husband.

4. When this appeal is taken up for hearing today, the learned counsel appearing for the appellant / husband and the respondent / wife have stated that, during the pendency of this appeal, there has been settlement between the parties which in fact has been concluded and to that extent, a memo of compliance dated 04.03.2025 has been filed and also a memo of compromise signed by both parties dated 31.01.2025 also has been filed.



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5. As per the memo of compromise, the appellant agreed to pay a sum of Rs.4,50,00,000/- (Rupees Four Crores and Fifty Lakhs only) as full and final settlement towards the respondent's maintenance and permanent alimony apart from the money already paid to the respondent.

6. This money has been paid by way of cheque at more than one time, that has also been mentioned in the compromise memo. The respondent / wife also acknowledged the receipt of the entire alimony and the learned counsel appearing for the respondent has confirmed it.

7. It is also agreed upon between the parties that in view of the said settlement, they are willing to part away by consent and accordingly, they want to file necessary petition under Section 10A of the Divorce Act, 1869 before the Court below.

8. It is also the contention of the learned counsel appearing for the parties that the respondent / wife and children are in abroad, they cannot frequently visit India and therefore at the time of filing and at the time of hearing, the trial Court may permit the respondent / wife to appear through Video Conferencing to confirm that such a consent for divorce was given by the respondent in filing Section 10A petition before the trial Court.



9. We have considered the said submissions made by the learned counsel appearing for both sides and have gone through the contents of the memo of compromise dated 31.01.2025 and memo of compliance dated 04.03.2025.

10. In view of the said settlement reached between the parties and by recording the memo of compromise as well as the memo of compliance dated 31.01.2025 and 04.03.2025 respectively, we are inclined to pass the following orders while disposing of this civil miscellaneous appeal:

(i) that the order impugned passed by the trial Court dismissing the said OP filed by the appellant / husband seeking divorce is set aside.

(ii) As a sequel, the parties are permitted to approach the trial Court to file a petition under Section 10A of the Divorce Act, 1869. At the time of filing such petition, the physical presence of the respondent / wife shall be dispensed with.

iii) After entertaining the petition, at the time of verification to verify that the consent has been given by the respondent / wife also for granting divorce under Section 10A of the of the Divorce Act, 1869, the trial Court shall permit the respondent / wife to appear through Video Conferencing as she is in abroad and cannot immediately come over to India.



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(iv) On completion of such process, by waiving six months statutory period provided under Section 10(A)(2) of the Divorce Act, 1869 by taking into account the memo of compromise which has been recorded herein, shall grant divorce by way of mutual consent within the meaning of Section 10(A) of the Divorce Act, 1869. The memo of compromise as well as memo of compliance shall form part of this order.

11. To the terms indicated above, this Civil Miscellaneous Appeal is disposed of accordingly. Registry is directed to issue a copy of this order along with the copy of the memo of compromise and memo of compliance as *addendum* to the order by 10.03.2025. However, there shall be no order as to costs.

(R.S.K., J.) (A.D.M.C., J.)
06.03.2025

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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Note: Issue order copy by 10.03.2025.

To

1. The learned IV Additional Principal Judge,
Family Court, Chennai.

2. The Section Officer,
V.R. Section, High Court, Chennai.



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

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