



C.M.A.Nos.140 & 141 of 2023

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**

C.M.A. Nos. 140 & 141 of 2023

Mr.Subramaniyan M/46,
S/o.Kandasamy,
Royal City Nagar,
TNEB near by
Senthurai Taluk,
Ariyalur District – 621 714.

... Appellant
in both the appeals

Vs.

Mrs.Jayanthi F/40,
W/o.Subramaniyan
Main road,
Devamangalam Village,
Udaiyarpalayam Taluk,
Ariyalur District – 612 902.

... Respondent
in both the appeals

PRAYER IN C.M.A.NO.140 OF 2023: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984 praying to set aside the order and decretal order passed by the learned Judge Family Court at Ariyalur in F.C.O.P.No.235 of 2020 dated 10.11.2022 and allow the above CMA and pass such further order or



C.M.A.Nos.140 & 141 of 2023

orders as this Court may deem fit and proper in the circumstances of the case and render justice.

PRAYER IN C.M.A.NO.141 OF 2023: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984 praying to set aside the dismissing the counter claim order passed by the learned Family Court at Ariyalur in F.C.O.P.No.235 of 2020 dated 10.11.2022 and allow the above CMA and pass such further order or orders as this Court may deem fit and proper in the circumstances of the case and render justice.

For Appellant : Mr. R. Subramaniam.(in both)

For Respondent : Mr. S. Senthilnathan.(in both)

C O M M O N J U D G M E N T

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

These Civil Miscellaneous Appeals challenge the decree in F.C.O.P. No. 235 of 2020, Family Court, Ariyalur, allowing the respondent's petition for restitution of conjugal rights and dismissing the appellant's counter-claim for divorce under Section 23A of the Hindu Marriage Act, 1955.



C.M.A.Nos.140 & 141 of 2023

2. On 21.03.2025, this Court referred both these matters to the Mediation Center to explore the possibility of settling these matters amicably between the parties.

3. At the Mediation Centre, the parties settled the dispute, and the mediation report dated 26.09.2025 with the jointly signed compromise memo has been sent to this Court.

4. Based on compromise memo, wherein the parties agree to a mutual-consent divorce and the appellant undertakes to pay Rs.5,00,000/- towards their son's education, the counsels request that this Court record the compromise, set aside the impugned judgment, and pass a decree of divorce.

5. We have considered the submissions of learned counsel on both sides and have noted the contents of the joint memo of compromise.

6. As the Family Court, Ariyalur has decided the case on merits by allowing restitution of conjugal rights and dismissing the Section 23A counter-claim, any



C.M.A.Nos.140 & 141 of 2023

subsequent move for a mutual-consent divorce under Section 13B must be made before the Court of competent jurisdiction, i.e the Family Court, Ariyalur

7. Accordingly, should the joint compromise memo be recorded, the decree under Section 13B must be issued by the Family Court, Ariyalur. This appeal is therefore disposed of with the following directions:

- (a) The settlement agreement filed by the appellant/husband and the respondent/wife dated 08.10.2025 signed by both parties and their respective counsel is taken on record.
- (b) In view of the compromise recorded in the said joint compromise memo, since there has been consent for divorce by both the parties, the parties are hereby given liberty to file a petition under Section 13B of the Hindu Marriage Act, 1955 before the Family Court, Ariyalur seeking consent divorce decree based on this compromise memo, within a period of one month from the date of receipt of a copy of this order.
- (c) On such petition being filed by the parties, along with waiving off six months statutory period, the Court below ie., the Family Court, Ariyalur, shall take such a petition on file and after verifying the parties to be present before the Court, and dispose of it instantly without causing any delay.

8. With the above directions, by recording the aforesaid joint compromise memo dated 26.09.2025, the Civil Miscellaneous Appeal is dismissed. No costs.



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C.M.A.Nos.140 & 141 of 2023

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

12.11.2025

ay

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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C.M.A.Nos.140 & 141 of 2023

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

ay

To

1.The Family Court,
Ariyalur.

2.The Section Officer,
VR Section,
High Court of Madras,
Chennai.

C.M.A. Nos. 140 & 141 of 2023

12.11.2025