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CMSA No.87 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.S.A.No.87 of 2024

Sankarodoss

... Appellant

Vs.

1.K. Tamilselvi

2.Dhanasekar

... Respondents

PRAYER: Civil Miscellaneous Second Appeal filed under Section 13 (1-a) r/w Section 100 of Civil Procedure code against the Judgment and Decree of the learned I Additional District Judge, Tindivanam in CMA No.1 of 2019, dated 15.07.2022 confirming the fair and final order of the learned Principal Sub-Judge Tindivanam in H.M.O.P.No.43/2009 dated 07.12.2016

For Appellant : Mr.S. Kaithamalai Kumaran

For Respondent-1 : Mr.R. Thanjan

For Respondent-2 : Ex-parte

JUDGMENT

The appeal has been filed against the Judgment and Decree of the learned I Additional District Judge, Tindivanam in CMA No.1 of 2019, dated 15.07.2022 confirming the fair and final order of the learned



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Principal Sub-Judge Tindivanam in H.M.O.P.No.43/2009 dated

07.12.2016.

2. When the matter is taken up for hearing on 29.07.2025 both the appellant/husband and the first respondent/wife appeared before this Court along with their counsels. The appellant/ husband submitted that he is not inclined for re-union and prayed for divorce. Even though the respondent wife suggested for reunion , they are living seperately for 19 years.

3. As the relationship between the couples are irretrievably broke down and there is no possibility for reunion. Therefore, the divorce sought by the appellant is sustainable one. Accordingly this Court is inclined to grant divorce, however at the time of arriving settlement a proposal for settlement was suggested by the appellant.

4. The appellant had agreed to settled the issue and ensured that he will take care of her entire educational expenses of his daughter and also agreed to arrange marriage for his daughter with reasonable expenses. In the said marriage, both the appellant and respondent along with their



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relatives are permitted to participate and he also agreed to give 1 acre of land in the name of his daughter. Apart from that, with regard to settlement of permanent alimony for the respondent wife, the appellant agreed to settle a sum of Rs.12,00,000/- towards permanent alimony along with 5 cents out of total extent of 7.5 cents in the front portion with tiles house in the name of the respondent and her daughter.

5. Based on the submission made by the appellant this Court granted time to the appellant and posted the matter under the caption “to report compromise” today.

6. Today i.e 18.08.2025, when the matter is taken up for hearing the appellant appeared in person and submitted that he is facing difficulties with regard to partitioning the property and his sister and mother are not co-operating, due to which he was not able to settle the properties as agreed before this Court on 29.07.2025.

7. To put a quietus to this issue, this Court directs the appellant to settle the properties to his wife and daughter as agreed before this Court on 29.07.2025 within a period of eight weeks from the date of receipt of a



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copy of this order.

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8. With the above observation and directions, this appeal stands disposed of. No order as to costs.

18.08.2025

Index:Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The I Additional District Judge, Tindivanam
2. The Principal Sub-Judge Tindivanam
3. The Section Officer, V.R. Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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Today, the matter is listed under the caption 'for being mentioned'. When the matter is taken up for consideration, both the parties are not agreeing for the terms. Already the appellant has approached the Hon'ble Apex Court wherein liberty was granted to approach this Court in respect of the terms to settle the issue. But when the matter was taken up, both the parties are not inclined to settle the issue. Therefore, the entire findings of this Court vide order dated 18.08.2025 is recalled and the matter is restored for arguments.

2. List the matter before the appropriate forum in the month of June 2026.

27.04.2026

mtl



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T.V.THAMILSELVI J.

mtl

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