

C.R.P. No.4787 of 2023

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

|                      |                   |
|----------------------|-------------------|
| <i>Reserved On</i>   | <i>16.04.2025</i> |
| <i>Pronounced on</i> | <i>21.05.2025</i> |

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**C.R.P. No.4787 of 2023 and**  
**C.M.P. Nos.28398 & 28399 of 2023**

K.Ramachandran

... Petitioner

Vs

Mrs.S.K.Preethi Sri

... Respondent

**Prayer:** Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the complaint notice dated 26.10.2021 in DVC No.119/2021, pending on the file of Additional Mahila Court, Egmore, Chennai.

For Petitioner : Mr.R.Gopinath

For Respondent : Mr.V.Pushpalatha



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## **ORDER**

The present civil revision petition is filed challenging the proceedings initiated as against the petitioner, who is the husband of the respondent herein, in DVC No.119 of 2021 on the file of Additional Mahila Court, Egmore, Chennai.

2. The revision petitioner herein has contended that there was a family dispute between him and his wife, namely, the respondent herein. The application filed by the petitioner in HMOP No.4132 of 2019 for restitution of conjugal rights was allowed in his favour and the divorce application in HMOP No.3087 of 2021 filed by the wife was dismissed. Aggrieved by the common judgment allowing the petition filed by revision petitioner and dismissing the respondent's petition for divorce, the respondent herein has filed C.M.A. Nos.2364 of 2024 and 2446 of 2024.

3. By a joint compromise memo dated 05.10.2024, the parties have arrived at a consensus that they shall mutually separate from their marriage bondage. Recording the same, a Division Bench of this court has granted a



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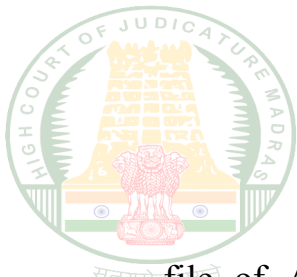
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decree of divorce to the parties vide common judgment dated 22.10.2024.

However, DVC No.119 of 2021 was still pending against the petitioner and the petitioner has drawn the attention of this court that as the compromise was effected, there is no relationship as husband and wife between the petitioner and the respondent and that he has also given an affidavit of undertaking in addition to the compromise memo dated 05.10.2024 incorporating certain undertakings by the petitioner such as he will not enter the place of residence and the place of employment of the respondent and he will not disturb the future life of the respondent or her parents and shall communicate with the respondent only through registered post or speed post.

4. The learned counsel appearing for the respondent submitted that since the Joint Memo of Compromise between the petitioner and the respondent was recorded in the common judgment dated 22.10.2024 made in C.M.A. Nos.2364 and 2466 of 2024, quietus was given to the entire issue.

5. The revision petitioner has now filed an Affidavit of Undertaking dated 17.02.2025, duly attested by a Notary. The respondent/wife also concedes that she will not prosecute the DVC No.119 of 2021 pending on the



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file of Additional Mahila Court, Egmore, in terms of the joint memo of compromise and the conditions now imposed in the affidavit of undertaking.

The present affidavit of undertaking dated 17.02.2025 filed by the revision petitioner is recorded and the proceedings in DVC No.119 of 2021 pending on the file of Additional Mahila court, Egmore, is quashed in the above terms. The scanned reproduction of affidavit of undertaking of the petitioner is given hereunder and the same shall form part of this order.

**INDIA NON JUDICIAL**

**Government of National Capital Territory of Delhi**

**e-Stamp**

|                           |                                        |
|---------------------------|----------------------------------------|
| Certificate No.           | : IN-DL36544244038499X                 |
| Certificate Issued Date   | : 17-Feb-2025 10:51 AM                 |
| Account Reference         | : IMPACC (IV)/ dl813103/ DELHI/ DL-DLH |
| Unique Doc. Reference     | : SUBIN-DL81310316336946838580X        |
| Purchased by              | : K RAMACHANDRAN                       |
| Description of Document   | : Article Undertaking                  |
| Property Description      | : Not Applicable                       |
| Consideration Price (Rs.) | : 0<br>(Zero)                          |
| First Party               | : K RAMACHANDRAN                       |
| Second Party              | : Not Applicable                       |
| Stamp Duty Paid By        | : K RAMACHANDRAN                       |
| Stamp Duty Amount(Rs.)    | : 10<br>(Ten only)                     |

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**IN THE HIGH COURT OF JUDICATE AT MADRAS**  
(Appellate side)

C.R.P. No. 4787 of 2023

**K. RAMACHANDRAN**

S/o. G. P. Kumar  
No. 361, Muthamizh Street,  
Gandhi Nagar,  
Vellore – 632006.

... Petitioner

-Vs-

**MRS. S. K. PREETHI SRI**

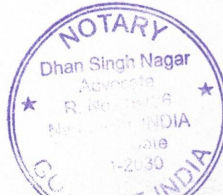
D/o. Anand Sivakumar,  
Flat No. 6, Petro Star Apartment,  
New No. 8, Panjaliamman Kovil Street,  
Arumbakkam,  
Chennai – 600 106.

.... Respondent

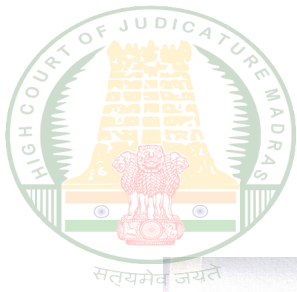
**UNDERTAKING AFFIDAVIT OF K. RAMACHANDRAN**

I, K. Ramachandran, S/o. G.P. Kumar, Hindu, aged about 39 years, permanently residing at No. 361, Muthamizh Street, Gandhi Nagar, Vellore – 632 006 and temporarily residing at No. S3-107, Block 3, Saraswathi Apartments, Sector D, Pocket 6 Vasanth Kunj, New Delhi – 110070, now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:-

1. I am the petitioner herein and as such I am well acquainted with the facts and circumstances of the case.
2. I respectfully submit that I have filed the above Revision Petition to set aside the respondent's complaint in DVC No. 119/2021, pending on the file of the Additional Mahila Judge, Egmore, Chennai.



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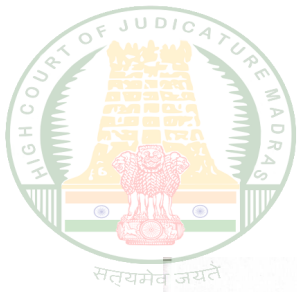
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3. I respectfully submit that when the above Revision Petition was pending, the respondent filed CMA.Nos. 2364 & 2446 of 2024, before this Hon'ble Court, against the Common Judgment and Decree dated 17.08.2023, passed by the Principal Family Court, Chennai, wherein my petition for Restitution of Conjugal Rights was allowed and the petition for divorce filed by the respondent was dismissed.
4. I respectfully submit that during the course of the hearing in the above CMA.Nos. 2364 & 2446 of 2024, on certain terms, without going in to the allegations levelled by us against each other, respondent and I filed a Joint Compromise Memo dated 05.10.2024, consenting for divorce, recording which, Divorce was granted by the Division Bench of this Hon'ble Court vide Order dated 22.10.2024.
5. I respectfully submit that during the course of the hearing in the above Revision Petition on 26.11.2024, the counsel for the respondent submitted that the respondent is willing to forgo / drop all her claims / reliefs in her complaint in D.V.C.No. 119 of 2021, subject to condition that I should not disturb her in future.
6. I respectfully submit that in view of the above and in addition to the terms of the Joint Compromise Memo dated 05.10.2024 filed in CMA. Nos. 2364 & 2446 of 2024, I hereby undertake that;
  - a. I will not enter the place of residence and the place of employment of the respondent,
  - b. I will not disturb the future life of the respondent and her parents,



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c. I shall communicate with the respondent through registered post or speed post only, for the benefit and welfare of the child Master Vaibhav.

subject to condition that the respondent shall continue to honour the child visitation orders dated 19.03.2021 & 10.12.2021 passed in I.A.No. 2 of 2020 & I.A.No. 3 of 2021 both in O.P.No. 4132 of 2019, by the Principal Family Court at Chennai. This undertaking will not restrict me from seeking further remedies with respect to the child.

7. I respectfully submit that under the above facts and circumstances, it is just and necessary to allow the above C.R.P.No. 4787 of 2023, recording this Undertaking Affidavit, by taking the same on file in the above CRP.No. 4787 of 2023. Otherwise, I will be put to face irreparable loss and hardship.

It is therefore prayed that this Hon'ble Court may be pleased to record and take this Undertaking Affidavit on file in the above CRP.No. 4787 of 2023 and pass necessary orders in CRP.No. 4787 of 2023 and thus render justice.

Solemnly affirmed at New Delhi on

this the 17<sup>th</sup> day of February, 2025

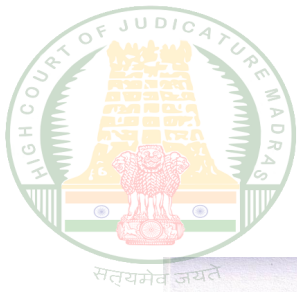
and signed his name in my presence.

  
**BEFORE ME,**

  
**ADVOCATE :: NEW DELHI**



**ATTESTED**  
  
**NOTARY PUBLIC  
NEW DELHI, (INDIA)**



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DISTRICT:: CHENNAI  
**HIGH COURT:: MADRAS**

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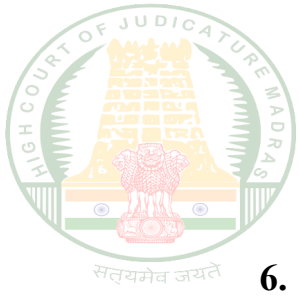
**UNDERTAKING AFFIDAVIT OF**  
**K. RAMACHANDRAN**

Received  
by  
Counsel for Respondent  
21.02.2025

M/s. R. GOPINATH (Ms. 3061 of 2007) &  
J. VINOTH (Ms.3249 of 2007)

**COUNSEL FOR PETITIONER**  
Mob. No. 9944354407

P-in-c



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6. The civil revision petition is allowed on the above terms. No costs.

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Consequently, the connected civil miscellaneous petitions are closed.

**21.05.2025**

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

The Additional Mahila Court, Egmore, Chennai



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C.R.P. No.4787 of 2023

**N.SENTHILKUMAR, J.**

Asr

**C.R.P. No.4787 of 2023 and**  
**C.M.P. Nos.28398 & 28399 of 2023**

**21.05.2025**