



C.M.A(MD) Nos.469 and 580 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

C.M.A(MD)Nos.469 and 580 of 2024

and

C.M.P(MD)No.6291 of 2024

Faisal Raja

... Appellant/ Plaintiff
in both C.M.As

-Vs-

Nisha Banu

... Respondent/Defendant
in both C.M.As

COMMON PRAYER: These Civil Miscellaneous Appeals are filed under Section 19(1) of the Family Courts Act, 1984, against the judgment and decree dated 30.11.2023 passed in O.S.Nos.09 and 03 of 2023 by the Family Court, Sivagangai.

For Appellant : Mr.T.Leninkumar
For Respondent : Mr.SMA Jinnah
(in both cases)



C.M.A(MD) Nos.469 and 580 of 2024

COMMON JUDGMENT

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

These appeals have been filed against the judgment and decree dated 30.11.2023 passed in O.S.Nos.09 and 03 of 2023 by the Family Court, Sivagangai.

2.Heard the learned counsel for the appellant and the learned counsel appearing for the respondent.

3.The suit in O.S.No.3 of 2023 filed by the appellant/husband seeking to dissolve the marriage between the appellant and the respondent solemnized as per Islamic customs and rites at Chenthamani Marriage Hall, Thiruppathur Town on 26.08.2018 before the Family Court, Sivagangai. The suit in O.S.No.09 of 2023 was filed by the respondent/wife seeking for restitution of conjugal rights. The learned Judge, Family Court, Sivagangai, by a common order dated 30.11.2023, dismissed the suit in O.S.No.03 of 2023 and allowed the suit in O.S.No.09 of 2023. Challenging the same, the above appeals have been filed by the appellant/husband.



4.The learned counsel appearing on either side would submit that pending the appeals, parties have compromised the dispute between themselves and thereby they have entered into a joint memo of compromise and the respondent has no objection for allowing these appeals based on the terms of memo of compromise. Pursuant to which, a Joint Memo of Compromise has been filed, which has been duly signed by the petitioner and the respondent and also by their respective counsels. The said memo of joint compromise is extracted hereunder:

“a.The appellant and the respondent herein had unconditionally withdrawn all the allegations made against each other in O.S.No.3 of 2023 and O.S.No.9 of 2023, on the file of the learned Family Court, Sivagangai and in D.V.C.No.92 of 2024 on the file of the Judicial Magistrate, Additional Mahila Court, Tiruchirappalli.

b.The appellant shall pay a sum of Rs.20,00,000/-(Rupees Twenty Lakhs only) as permanent alimony to the child by name Zayan Mohammed in Court and Rs.10,00,000/-(Rupees Ten Lakhs only) and 2 sovereigns of gold coins towards permanent alimony including marriage expenses, Sridhana Articles namely jewels, house hold articles and other belongings to the respondent. The appellant has drawn three separate demand drafts for a sum of Rs. 10,00,000/-(Rupees Ten Lakhs only) each. The particulars of the demand drafts are tabled below:



Sl.No	Drawn By	Demand Draft details	Payable to
1.	Faisal Rahuman J(Brother of the appellant)	Demand Draft bearing No. 512042 dated 06.08.2025, for a sum of Rs.10,00,000(Ten Lakhs only) drawn at ICICI Bank, Trichy, Cantonment Branch	Nisha Banu J
2.	Habeba Begum J (Mother of the Appellant)	Demand Draft bearing No. 165443 dated 06.08.2025, for a sum of Rs.10,00,000/-(Ten Lakhs only) drawn at City Union Bank, Karumandabam Branch, Trichy	Nisha Banu J
3.	Habeba Begum J(Mother of the Appellant)	Demand Draft bearing No. 165444 dated 06.08.2025, for a sum of Rs.10,00,000/-(Ten Lakhs only) drawn at City Union Bank, Karumandabam Branch, Trichy	Nisha Banu J

The respondent had already received the demand draft bearing No.512042 dated 06.08.2025 from the appellant on 12.08.2025 and agreed to receive the remaining two demand drafts and 22 carat gold coins (weighing 16 grms) during the hearing before this Hon'ble Court.

c.The appellant and the respondent herein have agreed by mutual consent to dissolve the marriage solemnized between themselves as per Islamic customs and rites on 26.08.2018.

d.The appellant and the respondent agreed that there is no collusion or undue influence in seeking the dissolution of marriage solemnized on 26.08.2018.

e.The respondent shall withdraw the complaint filed under



Section 125 of Cr.P.C., in M.C.No.9 of 2021 and the connected miscellaneous petitions in Crl.M.P.No.61 of 2025 and Crl.M.P.No.62 of 2025 before the family Court, Sivagangai.

f.The appellant mother/Babeeba Begaum shall withdraw the complaint filed under Section 12,22 of the Protection of Women from Domestic Violence Act, 2005, in DVC No.92 of 2024 before the Judicial Magistrate, Additional Mahila Court, Tiruchirappalli.

g.It is submitted that as the respondent has settled all her disputes with the appellant, she will not have any claim whatsoever from the appellant in future. The respondent and her family will undertake that she will not file any petition seeking maintenance, compensation, residence or any other claim against the petitioner in future.

h.The appellant and his family will undertake that they will not file any petition seeking the custody of the child Zayan Mohamed before any Court of law.”

4.Both parties are present before this Court. The respondent/wife would submit that she has received Rs.30,00,000/-(Rupees Thirty Lakhs only) by Demand Draft and she has also received the jewels. Both parties have also decided to withdraw the pending proceedings before the other Courts.



C.M.A(MD) Nos.469 and 580 of 2024

5.The petitioner and the respondent appeared in person before this Court along with their counsels and also produced their Aadhar cards. Both the parties were enquired and they accepted the terms of compromise. Hence, the Compromise Memo is recorded.

6.In view of the memo of compromise, the Civil Miscellaneous Appeals are allowed and the order dated 30.11.2023 passed in O.S.Nos.09 and 03 of 2023 by the learned Judge, Family Court, Sivagangai, is set aside and the marriage between the petitioner and the respondent, which took place on 26.08.2018, is dissolved by a decree of divorce. The said compromise memo shall form part of this order. No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.] & [L.V.G., J.]
14.08.2025

NCC : Yes / No

Index : Yes / No

NS

To

The Family Court,
Sivagangai.



WEB COPY



C.M.A(MD) Nos.469 and 580 of 2024

A.D.JAGADISH CHANDIRA, J.

AND

L.VICTORIA GOWRI, J.

Ns

C.M.A(MD)Nos.469 and 580 of 2024

and

C.M.P(MD)No.6291 of 2024

14.08.2025