

CMA(MD)Nos.427, 440 and 748 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**CMA(MD)Nos.427, 440 and 748 of 2025
and
CMP(MD)Nos.7658, 7880 and 11944 of 2025**

CMA(MD)No.427 of 2025:

Titus

... Appellant

vs.

Benciya

... Respondent

Appeal filed under Section 19 of the Family Courts Act 1984, read with Section 47 of the Guardian and Wards Act, 1890, against the judgment and decretal order dated 13.03.2025 passed by the Family Court, Karur, made in GWOP.No.525 of 2023.

For Appellant : Mr.AN.Ramanathan
For Respondent : Mr.I.Romeo Roy Alfred

CMA(MD)No.440 of 2025:

Titus

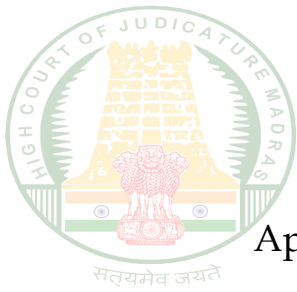
... Appellant

vs.

Benciya

... Respondent

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CMA(MD)Nos.427, 440 and 748 of 2025

Appeal filed under Section 19 of the Family Courts Act 1984, against the judgment and decreetal order dated 13.03.2025 passed by the Family Court, Karur, made in I.A.No.4 of 2024 in I.D.O.P.No.474 of 2023.

For Appellant : Mr.AN.Ramanathan
For Respondent : Mr.I.Romeo Roy Alfred

CMA(MD)No.748 of 2025:

Benciya ... Appellant

vs.

Titus ... Respondent

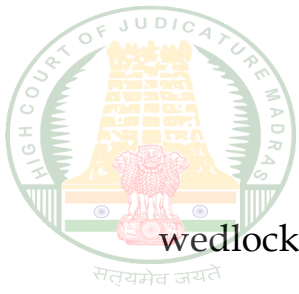
Appeal filed under Section 19 of the Family Courts Act 1984, against the judgment and decreetal order dated 13.03.2025 in I.D.O.P.No. 474 of 2023 passed by the Family Court at Karur.

For Appellant : Mr.I.Romeo Roy Alfred
For Respondent : Mr.AN.Ramanathan

COMMON JUDGMENT

[Judgment of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

The marriage between the appellant/husband in CMA(MD)Nos.427 and 440 of 2025 and the appellant/wife in CMA(MD)No.748 of 2025 was solemnised on 25.08.2021. Out of the said

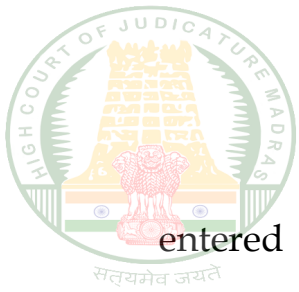


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wedlock, a boy baby namely, Eshban Samuel was born on 15.02.2023.

Alleging that the wife deserted him and caused mental cruelty, the husband filed IDOP.No.474/2023 for divorce and also filed GWOP.No. 525/2023 for custody of his minor child. The wife also filed I.A.No. 4/2024 in IDOP.No.474/2024 for return of Sridhana articles. The Family Court by separate orders dated 13.03.2025, allowed the petition for divorce, dismissed the petition for custody of child with the rights of visitation to the husband and partly allowed the petition filed by the wife for return of Sridhana articles. Against the dismissal of the GWOP.No.525/2023 and allowing I.A.No.4/2024 in IDOP.No.474/2024 partly, the husband has filed CMA(MD)Nos.427 and 440 of 2025. Against the decree of divorce, the wife has filed CMA(MD)No.748 of 2025.

2. At the request of the parties, by order dated 19.06.2025, we had referred the matter to the Mediation and Conciliation Centre. However, the matter was not settled and no agreement was reached between the parties. Thereafter, the cases were posted before us. We mediated between the parties and the parties after deliberations, have



entered into a compromise and has now filed the joint compromise affidavit.

3. Today, when the appeals are taken up for hearing, a joint compromise affidavit dated 17.07.2025, signed by both the parties as well as their counsels, is produced before this Court. The terms of the joint compromise affidavit are as under:

"i) We both agree to set aside the decree of divorce dated 13.03.2025 passed in I.D.O.P.No. 474 of 2023 on the file of the Family Court, Karur.

ii) Wife- Benciya filed C.M.A. SR(MD) No. 59136/2025 before this Hon'ble Court against the decree of divorce dated 13.03.2025 passed in I.D.O.P.No.474 of 2023 on the file of the Family Court, Karur and the husband – Titus undertakes to give No Objection to allow the CMA for setting aside the above decree of divorce.

iii) We both agree to set up our independent matrimonial home together at Thuvarankurichi, Marungapuri Taluk, Trichy District, hereafter. Further the family members of Husband-TITUS will not interfere with the family affairs of TITUS, BENCIYA and minor son ESHBAN SAMUEL at Thuvarankurichi.

iv) We both agree to jointly take care of our minor son namely Eshban Samuel aged about 2 ½ years, who was born on 15.02.2023.

v) We both agree to set aside the judgment and decree dated



13.03.2025 in G.W.O.P.No.525 of 2023 on the file of the Family Court, Karur in C.M.A.(MD).No.427 of 2025 in view of the above compromise.

vi) I, Titus, (Husband) have handed over the following 100.50 grams of gold articles on 17.07.2025 to the Wife Benciya and the Wife - Benciya have acknowledged the same.

List of jewels (Nos. 11)

Bangle 1 set (Nos.2) – 31.610 gms
Necklace 1 – 15.700 gms
Necklace 1 – 16.110 gms
Chain 1 – 10.930 gms
Black chain 1 – 9.740 gms
Rings 5 – 16.020 gms

vii) I, Benciya (Wife) also acknowledge that the husband – Titus has gifted gold Thaali Chain weight about 32 grams, at the time of marriage and the same is now pledged at IOB, Dindigul by BENCIYA. I undertake to redeem the same.

viii) I, Titus (Husband) also acknowledge that the wife Benciya has gifted gold Chain and Ring weight about 32 grams, at the time of marriage and the same is now pledged at INDIAN BANK, Kulithalai by TITUS. I undertake to redeem the same.

ix) Wife-BENCIYA undertakes to file Citizenship application as per the Citizenship Act, 1955 before the Central Government to acquire Indian Citizenship. The Husband-TITUS undertakes to furnish her Srilankan Passport and other documents thereby provide necessary support to confer Indian Citizenship for wife-BENCIYA.

x) I, Benciya (Wife) agrees to pay and get back the jewellery



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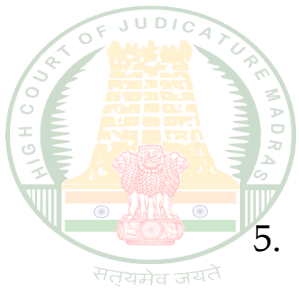
mortgaged at Indian Overseas Bank, Dindigul in her name for a sum of Rs.1,20,000/- and Titus (Husband) agrees to return the jewellery mortgaged in the name of Benciya for sum of Rs.2,50,000/- at Dindigul Indian Overseas Bank within 3 months.

xi) In view of compromise Terms - v to ix, the judgment and decree dated 13.03.2025 in I.A.No.4 of 2024 in I.D.O.P.No.474 of 2023 on the file of the Family Court, Karur, may be set aside and C.M.A.(MD).No.440 of 2025 can be disposed of.

xii) Benciya – Wife hereby undertakes to withdraw the domestic violence petition pending in D.V.C.No.33 of 2024 on the file of the Learned Additional Mahila Court (Judicial Magistrate Level), Dindigul.

xiii) We both undertake that we will jointly live together and jointly take care of our minor son Eshban Samuel with utmost care."

4. Both the husband and wife along with their minor child are present before this Court along with their counsels. Both the parties have stated that they have entered into the abovesaid terms of compromise and filed the joint compromise affidavit and they would seek that the appeals may be disposed of based on the joint compromise affidavit dated 17.07.2025.



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5. Accordingly, CMA(MD)No.748 of 2025 challenging the decree of divorce granted by the Family Court in IDOP.No.474/2023 is allowed as per Clause (ii) of the joint compromise affidavit. Consequently, the decree of divorce granted in IDOP.No.474/2023, dated 13.03.2025, is set aside. CMA(MD)No.427/2025 challenging the order passed in GWOP.No.525/2023, dated 13.03.2025, is modified and disposed of in terms of Clause (xiii) of the joint compromise affidavit. Consequently, the order passed in GWOP.No.525/2023, dated 13.03.2025 is set aside. CMA(MD)No.440/2025 challenging the order passed in I.A.No.4 of 2024 in I.D.O.P.No.474 of 2023, dated 13.03.2025, is modified and disposed in terms of Clauses (vi), (vii), (viii) and (x) of the joint compromise affidavit. The joint compromise memo dated 17.07.2025 shall form part and parcel of the common judgment and decree. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

[A.D.J.C., J.] [R.P., J.]
23.07.2025

Index : Yes / No
Neutral Citation : Yes / No
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CMA(MD)Nos.427, 440 and 748 of 2025

A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.

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To

The Judge,
Family Court,
Karur.

COMMON JUDGMENT MADE IN
CMA(MD)Nos.427, 440 and 748 of 2025
DATED : 23.07.2025