

CMA(MD)Nos.396 and 398 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.07.2025

CORAM:

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

**CMA(MD)Nos.396 and 398 of 2020
and
CMP(MD)Nos.4882 and 4884 of 2020**

CMA(MD)No.396 of 2020:

Vijila Mary

... Appellant

vs.

Arokia Irudaya Jose

... Respondent

Appeal filed under Section 55 of the Indian Divorce Act read with Section 19 of the Family Courts Act, against the judgment and decree passed in IDOP.No.186 of 2018 on the file of the Family Court, Kanyakumari at Nagercoil, dated 20.05.2019.

For Appellant : Mr.R.T.Arivu Kumar
For Respondent : Mr.C.M.Mari Chelliah Prabhu

CMA(MD)No.398 of 2020:

Vijila Mary

... Appellant

vs.



CMA(MD)Nos.396 and 398 of 2020

Arokia Irudaya Jose

... Respondent

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Appeal filed under Section 47(a) of the Guardian and Wards Act read with Section 19 of the Family Courts Act, against the judgment and decree passed in GWOP.No.8 of 2019 on the file of the Family Court, Kanyakumari at Nagercoil, dated 20.05.2019.

For Appellant : Mr.R.T.Arivu Kumar

For Respondent : Mr.C.M.Mari Chelliah Prabhu

COMMON JUDGMENT

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

The appellant in both the appeals is the wife of the respondent. The respondent/husband originally filed IDOP.No. 297/2016 before the District Court, Nagercoil, against the appellant for granting decree of divorce. Later, on the establishment of the Family Court, Kanyakumari at Nagercoil, the said case was transferred to the Family Court and renumbered as IDOP.No.186/2018. The appellant/wife filed GWOP.No.8/2019 against the respondent/husband to appoint her as guardian for the minor children. The Family Court, by a common order dated 20.05.2019, holding that the respondent/husband has proved the plea of desertion against the appellant/wife, granted



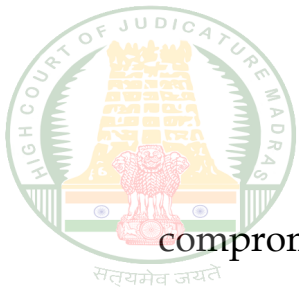
CMA(MD)Nos.396 and 398 of 2020

decree of divorce and accordingly allowed IDOP.No.186/2018.

Considering the fact that the appellant deserted the respondent/husband and the minor children, the Family Court dismissed GWOP.No.8/2019 with the rights of visitation to the appellant. As against the said common order, the appellant/wife has filed these appeals.

2. When the appeals came up for hearing on 16.06.2025, the counsel for the appellant submitted that the appellant sent a letter to him stating that she is not interested in joining with her husband and prayed for enhancement of the maintenance amount from Rs.7,500/- to Rs. 10,000/- per month and also for interim custody of her children for two days in a week. The learned counsel for both parties sought time to file a joint memo of compromise. Accordingly, the matter was posted on two occasions for filing of the compromise memo.

3. Today, when the appeals are taken up for hearing, a joint compromise memo dated 24.07.2025, signed by both the parties as well as their counsels, is produced before this Court. The terms of the joint



compromise memo are as under:

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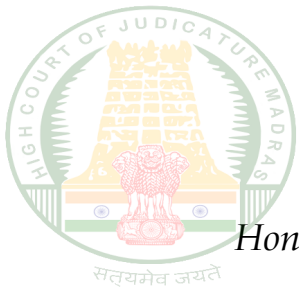
"1) The Appellant and Respondent jointly submit that the above Civil Miscellaneous Appeals was filed as against the common order dated 20.05.2019 in I.D.O.P No.186 of 2018 and G.W.O.P. No. 8 of 2019 on the file of Family Court, Kanyakumari.

2) The Appellant and Respondent jointly submit that now the above dispute is amicably settled between them and the Respondent /Husband herein is willfully ready to pay a sum of Rs. 10,000/- (Rupees Ten Thousand Only) to the Appellant Wife.

3) Since, both the children are under the custody of agreed to allow the Appellant/wife to visit the children twice in a respondent / husband as per the Trial Court order, therefore he month at any public place, church, or at either of the party's home.

4) The appellant/wife submit that she had already filed memo on 20.06.2025 to withdraw the cases in C.C.No. 403 of 2018, on the file of the Learned Additional Magistrate Mahila Court, Magistrate Level, Nagercoil, Kanyakumari and D.V.C.No.6 of 2017 on the file of the Learned Judicial Magistrate, No.1, Nagercoil.

5) The appellant and Respondent jointly submit that this



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Hon'ble Court by taking into consideration of the above said aspects

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with regard to the compromise and in the interest of the parties, can

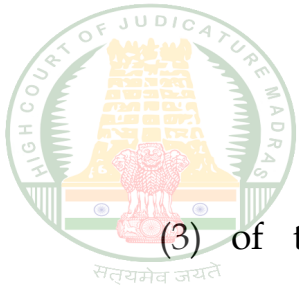
leniently look into the present issue, and pass such further order or

other order may deem fit and proper to the circumstance of the case

and thus render justice."

4. Both the appellant as well as the respondent 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 memo and they would seek that the appeals may be disposed of based on the joint compromise memo dated 24.07.2025.

5. Accordingly, CMA(MD)No.396/2020 challenging the decree of divorce granted by the Family Court in IDOP.No.186/2018 is dismissed with the enhancement of maintenance amount to the appellant at Rs.10,000/- as per Clause (2) of the joint compromise memo. Consequently, the decree of divorce granted in IDOP.No.186/2018 is confirmed. CMA(MD)No.398/2020 challenging the order passed in GWOP.No.8 of 2019, dated 20.05.2019, is disposed of in terms of Clause



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(3) of the joint compromise memo dated 24.07.2025. The joint

compromise memo dated 24.07.2025 shall form part and parcel of the judgment and decree. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

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

24.07.2025

Index : Yes / No

Neutral Citation : Yes / No

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To

The Judge,
Family Court,
Kanyakumari at Nagercoil.



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

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COMMON JUDGMENT MADE IN
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