



C.M.A(MD) Nos.316 & 317 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

C.M.A(MD)Nos.316 and 317 of 2025

Sivaji Ganesan

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

-Vs-

Pushpa

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

COMMON PRAYER: Civil Miscellaneous Appeals filed under Section 19 of the Family Courts Act, against the decree and the judgment dated 09.11.2023 passed in O.P.Nos.145 of 2022 and 3 of 2023 by the Judge, Family Court, Sivagangai.

For Appellant
in both C.M.As : Mr.A.Mohan

For Respondent
in both C.M.As : Mr.G.Aravinthan



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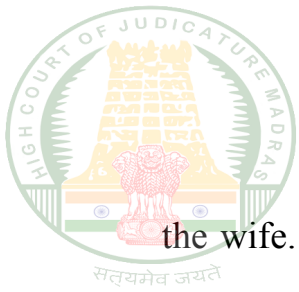
COMMON JUDGMENT

DR.G.JAYACHANDRAN, J.
AND
R.POORNIMA, J.

The appellant Sivaji Ganesan and the respondent Pushpa got married on 01.07.1993 and blessed with two children viz., Arvindasamy and Arunthathi. After the marriage of the daughter Arunthathi, both got separated and took their own way of life from the year 2018. In the year 2022, the appellant Sivaji Ganesan has thought fit to dissolve the marriage and filed a petition in O.P.No.145 of 2022 before the Family Court, Sivagangai, on the ground of cruelty and desertion.

2.To counterblast his claim, the respondent Pushpa has filed a petition for restitution of conjugal rights to defend the allegation found in the divorce petition no inclination to join her husband at any time.

3.The Family Court, on considering the facts of the case and the evidence that the petition filed by the husband deserved to be dismissed and allowed the petition filed by the wife for restitution of conjugal rights. A common order, in the two O.Ps, was passed on 9th November 2023. Aggrieved by the said common order, the said Sivaji Ganesan has preferred the appeal against the dismissal of his divorce petition and the decree passed in the restitution of conjugal rights filed by



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the wife. Those two appeals have numbered as C.M.A(MD)Nos.316 and 317 of 2025 and condoning the delay of 181 days in preferring the appeal.

4. When the matter taken up for hearing today, both the parties are present and filed a Memorandum of Compromise containing that the continuous separation since 2018 has reached a point of more to return and they have realised that their marriage cannot be saved. Hence, to arrive at quietus decided to dissolve the marriage by consent and the wife to withdraw her maintenance claim pending in a form of Crl.R.C(md)No.737 of 2023.

5. The memorandum of compromise indicates that the parties have decided to dissolve the marriage by mutual consent. The appellant had settled 50 cents of land in S.No.307/1A, Kurunthaniveriyendhal Village, Kalaiyarkovil Taluk, Sivagangai District, in favour of the respondent Pushpa as settlement deed duly registered to that effect on 06.03.202 vide Document No.1299/25 also produced to this Court for verification. The respondent Pushpa has agreed to withdraw the petition in M.C.No.46 of 2018 and consequential Crl.R.C.No.787 of 2023.

6. In the light of the above fact, taking note of the submission made by the parties that they have decided to break the marriage without making any



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allegation with each other and whatever allegation made each other to withdraw the same, the C.M.A(MD)Nos.316 and 317 of 2022 are allowed in the terms of the compromise. The Memorandum of Compromise dated 28.03.2025 duly signed by the parties as well as the respective parties shall form part of the decree. No costs.

[G.J., J.] & [R.P., J.]

08.04.2025

NCC : Yes / No

Index : Yes / No

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To

1.The Judge, Family Court,
Sivagangai.

Copy to:

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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