



A.S.(MD)No.240 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

A.S(MD)No.240 of 2015

S.Syed Kadhar

.... Appellant / Plaintiff

Vs.

Sahina Jabeen

... Respondent / Defendant

Prayer : Appeal Suit filed under Section 96 of Civil Procedure Code, against the order and decree dated 22.06.2015 passed in O.S.No.7 of 2014 on the file of the Family Court, Dindigul.

For Appellants : Mr.S.A.Ajmal Khan

For Respondents : Mr.G.I.A.K.Bagadursha



A.S.(MD)No.240 of 2015

JUDGEMENT

WEB COPY

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

The appellant S.Syed Kadhar married Sahina Jabeen as per Islamic rites and customs on 23.01.2000. The appellant claimed to have divorced her by pronouncing triple talaq. He filed O.S.No.7 of 2014 on the file of the Family Court, Dindigul to declare that the marriage with the respondent was dissolved. The Court below dismissed the suit on 22.06.2015. Challenging the same, this appeal came to be filed.

2. We called upon both the parties to appear in person before us. We had a detailed interaction with them. It is not in dispute that the appellant contracted a second marriage and through the second marriage, two children have been born. Through the first marriage, the appellant has begotten a son and a daughter. The appellant is presently working as Junior Assistant in Tamil Nadu Medical Service. He is said to be earning Rs.27,000/- as gross salary. The appellant is also getting military pension. The appellant has undertaken to retain the name of the respondent in the military service records. Since the appellant has made this concession, the respondent is also agreeable to give a quietus to the issue by agreeing to receive 50% of his military pension towards maintenance.



A.S.(MD)No.240 of 2015

WEB COPY

3. The Appeal Suit is disposed of in the following terms:-

1.The military service records including the pension book of the appellant shall reflect the name of the respondent (Sahina Jabeen) as the legally wedded wife of the appellant. The name of the respondent shall not be deleted for any reason in future.

2. The respondent is entitled to 50% of the military pension received by the appellant.

3. Standing instructions shall be given by the appellant so that after the military pension amount is deposited in the appellant's account, 50% of the military pension would automatically be remitted to the account of the respondent.

No costs.

[G.R.S., J.] [M.J.R., J.]
15.04.2025

Index : Yes / No

Internet : Yes/ No

rmi

To:

The Family Court, Dindigul.

Copy to:

The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



A.S.(MD)No.240 of 2015

G.R.SWAMINATHAN, J

and

M.JOTHIRAMAN, J.

rmi

A.S.(MD)No.240 of 2015

15.04.2025