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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2025

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THE HON'BLE MRS.JUSTICE R.KALAIMATHI

C.M.A.(MD) No.1173 of 2023

Amuthan ... Appellant

Vs.

Ahirtha ... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 55 of the Indian Divorce Act, 1869, to set aside the fair and decreetal order in I.D.O.P.No. 223 of 2021 dated 30.03.2023, on the file of the III-Additional District Court, Tirunelveli by allowing this appeal.

For Appellant : Mr.B.Azhagesh
for Mr.H.Arumugam

For Respondent : Mr.K.Anbumanikandan

J U D G M E N T

Today, when the matter is taken up for hearing, learned counsel for the appellant and the respondent would state that pending the appeal, the appellant and the respondent settled the issue among themselves and they have also filed a Joint Memo of Compromise dated 13.11.2024 duly signed by the parties. The learned counsel appearing on either side would also state that the Civil Miscellaneous Appeal may be disposed of in terms of the joint memorandum of compromise and that the marriage

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dated 22.04.2021 performed between the parties may be dissolved.

2. From the terms of the joint compromise memo dated 13.11.2024, it is inferable that the respondent / wife has no objection for grant of divorce in favour of her husband in I.D.O.P.No.223 of 2021 on the file of the III-Additional District Court, Tirunelveli which was filed by the appellant / husband. It appears that as regards the marriage expenses, the appellant / husband paid a sum of Rs.3,50,000/- by way of Demand Draft in No.875278 dated 11.11.2024 drawn in Canara Bank, Tisaiyanvillai in favour of respondent / wife towards. The appellant / husband has also paid a sum of Rs.7,50,000/- by way of Demand Draft in No.875279 dated 11.11.2024 drawn in Canara Bank, Tisaiyanvillai in favour of the respondent / wife towards one time settlement. It is also to note that the appellant / husband has not pressed the allegations raised in I.D.O.P.No.223 of 2021 against the respondent / wife.

3. Thus in terms of the Joint Compromise Memo,

(i) there shall be decree for divorce between the appellant and the respondent.

(ii) the order dated 30.03.2023, passed in I.D.O.P.NO.223 of 2021,

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is hereby set aside.

4. In the result, the Civil Miscellaneous Appeal is allowed in terms of the joint memorandum of compromise dated 13.11.2024 and the same forms part of the decree. There is no order as to costs.

22.01.2025

Index: Yes/ No
NCC: Yes / No
Speaking Order / Non-Speaking Order
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To

1.The III-Additional District Court, Tirunelveli

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

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R.KALAIMATHI, J.

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