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C.M.A.(MD)NO. 794 OF 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

C.M.A.(MD)No.794 of 2017

Krishnan @ Suresh

... Appellant / Petitioner

Vs.

K.Mala

... Respondent / Respondent

Prayer: Civil Miscellaneous appeal filed under Section 19 of the Family Courts Act, to set aside the order passed in H.M.O.P. No.65 of 2017 on the file of the Family Court, Tirunelveli dated 21.06.2017 and allow this civil miscellaneous appeal.

For Appellant : Mr.A.Sivasubramanian

For Respondents : Mr.T.Selvan

* * *

J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.



2.The marriage between the parties herein was solemnized on 27.11.2015 at Arulmighu Subramaniasami Temple, Prasanna Vinayagar Kovil Street, Palayankottai as per the Hindu rites and customs. No child was born through the wedlock. Differences arose between the parties. The respondent herein left the matrimonial home on 25.12.2016. The appellant herein filed H.M.O.P.No.5 of 2017 on the file of the Family Court, Tirunelveli seeking dissolution of the marriage.

3.The appellant examined himself as P.W.1 and marked as Ex.P.1 to Ex.P.4. The wife examined herself as R.W.1. After considering the evidence on record, the trial Court vide order dated 21.06.2017 dismissed the HMOP. Aggrieved by the same, this civil miscellaneous appeal came to be filed.

4. We called upon the parties to negotiate between themselves and settle their disputes.

5. The parties have filed a joint memo of compromise dated 23.01.2025. The appellant undertakes to pay a sum of Rs.10,00,000/- towards full and final settlement of all claims of the respondent. He also



undertakes to return Stridhana articles. The respondent in turn has agreed to return Thali chain weighing 5 sovereigns.

6.Considering the long period of separation of eight years, we waive the cooling-off period of six months. The parties withdraw the allegations made against each other.

7.The marriage that took place between the appellant and the respondent on 27.11.2015 stands dissolved by this decree of mutual consent. This decree shall come into effect only when the appellant honours his undertaking to pay a sum of Rs.10 Lakhs and after filing memo of compliance before the Registry of this Court. The compromise memo dated 23.01.2025 shall form part of this decree. The order impugned in this appeal is set aside. This civil miscellaneous appeal is disposed of in the above terms. No costs.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
24th January 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To:

1. The Judge,
Family Court,
Tirunelveli.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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