



C.M.A.(MD)No.366 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

C.M.A.(MD)No.366 of 2020

Rengaraj

... Appellant

Vs.

Parameshwari

... Respondent

Prayer : Civil Miscellaneous Appeal is filed under section 19 of Family Court Act, to set aside the Judgment and decree dated 16-08-2018 made in H.M.O.P.No.165 of 2015 on the file of the Learned Family Court, Dindigul and allow this Appeal by granting divorce in favour of appellant/husband.

For Appellant : Mr.S.Karthik

For Respondent : Mr.S.Sarvagan Prabhu



C.M.A.(MD)No.366 of 2020

JUDGMENT

WEB COPY

(Judgment of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The parties herein got married on 31.08.2007 at S.K.C. Marriage Hall, Dindigul as per Hindu rites and customs. A female child by name Versha was born through the said wedlock. Differences of opinion arose between the parties. The wife left the matrimonial home in the year 2014. From the year 2014, they are remaining separate. The appellant / husband filed H.M.O.P.No.165 of 2015 on the file of the Family Court, Dindigul seeking dissolution of the marriage. It was dismissed vide order dated 16.08.2018. Challenging the same, this civil miscellaneous appeal came to be filed.

3.When the matter was taken up for hearing on the last occasion, we called upon parties to resolve the disputes between themselves.



C.M.A.(MD)No.366 of 2020

4.The parties negotiated with each other. The petitioner had paid a sum of Rs.10,00,000/- by way of demand draft in the name of the daughter towards full and final settlement of all claims. Versha has all along been in the custody of the respondent / mother / Parameshwari. It is Parameshwari who is virtually acting as the guardian for the child. Therefore, a sum of Rs.5,00,000/- after crediting in the bank account can very well be withdrawn by the respondent / Parameshwari. The remaining sum of Rs.5,00,000/- shall remain in the name of the daughter / Versha and it can be withdrawn two years after she attains majority. The amount shall deposited only in an nationalized bank. Parameshwari can of course withdraw the periodical interest that may be accrued. Since the parties are remaining separate for the last several years, we waive the cooling off period of six months also. We are more than satisfied that the relationship between the parties had irretrievably broken down. The respondent has also agreed that she would not press the *ex parte* order dated 08.07.2015 obtained in her favour in M.C.No.33 of 2018 on the file of the Family Court, Dindigul. The marriage that took place between the parties stands dissolved by this decree on mutual consent. The joint compromise memo dated 22.01.2025 signed by the



C.M.A.(MD)No.366 of 2020

parties as well as the respective counsel shall form part of the decree.

The impugned order is set aside and the civil miscellaneous appeal is allowed. No costs.

(G.R.S. J.) & (R.P. J.)
23.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

The Family Court,
Dindigul.



WEB COPY



C.M.A.(MD)No.366 of 2020

**G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.**

ias

C.M.A.(MD)No.366 of 2020

23.01.2025