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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2025

CORAM

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

C.M.A.(MD) No.1728 of 2024

1. B.Jerose Higgins
2. Maria Jebamalai Jemima @ Jemima ... Appellants

Vs.

Nil ... Respondent

Prayer: Civil Miscellaneous Appeal filed under Order XLIII Rule 1 of Civil Procedure Code read with Section 55 of the Divorce Act, 1869, to set aside the fair and decreetal order in D.O.P.No.272 of 2023 by the Principal District Court, Thoothukudi dated 02.03.2024 by dissolving the marriage solemnized in Theresha Church, Theresh Puram at Thoothukudi on 27.05.2001.

For Appellants : Mr.R.Iyappan

J U D G M E N T

In compliance with the direction of this Court, the appellants (Husband and Wife) have appeared and they were enquired.

2. Heard Mr.R.Iyappan, learned counsel appearing for the appellants.

3. The appellants would state that since the month of April, 2024,

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they have been living together.

4. The affidavits of the 1st and 2nd appellants have been filed and it has been stated in the affidavits that though they got divorce by mutual consent by filing divorce petition, both want to live together for the well being of their children's life. Now, they are living jointly with children in their matrimonial home in Bangalore from the month of April, 2024 onwards.

5. As they have stated uniformly that they have been living together since the month of April, 2024, necessarily, the order passed by the learned Principal District Judge, Thoothukudi in D.O.P.No.272 of 2023 dated 02.03.2024 has to be set aside.

6. In the result, this Civil Miscellaneous Appeal stands allowed. Sequel to this, the order passed in D.O.P.No.272 of 2023 by the learned Principal District Judge, Thoothukudi on 02.03.2024 stands set aside. 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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1.The Principal District Court, Thoothukudi

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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C.M.A.(MD) No.1728 of 2024

22.01.2025

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