



WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 21.02.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS. JUSTICE R.POORNIMA**

C.M.A(MD)No.1244 of 2023

G.Kalimuthu

... Appellant/Petitioner

.Vs.

A.Anusiya

... Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act praying this Court to set aside the fair and decretal order made in H.M.O.P.No.124 of 2023, dated 19.09.2023, on the file of Family Court, Sivagangai.

For Appellant : Mr.S.Sarvaganprabhu

For Respondent :Mr.K.Raghulpriyan



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JUDGMENT

DR.G.JAYACHANDRAN,J.
AND
R.POORNIMA,J.

The Civil Miscellaneous Appeal is directed against the fair and decretal order made in H.M.O.P.No.124 of 2023, dated 19.09.2023, on the file of Family Court, Sivagangai.

2.Heard the learned counsel appearing on either side and perused the materials before this Court.

3The appellant, who married the respondent on 15.02.2022 filed a Petition for annulment of marriage under Section 12(1)(c) and 12(2)(a)(b)(i) of the Hindu Marriage Act alleging that the marriage was not consummated due to the health issues of the respondent and therefore, the marriage has to be annulled.

4.The respondent filed a counter contesting the said allegations and also submitted that she has given birth to a child born to the Petitioner and therefore the reason stated for annulment of marriage, is not sustainable.



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5.The Court below after appreciating the evidence placed before it by the parties, had dismissed the H.M.O.P.

6.Being aggrieved, husband has preferred an appeal and pending appeal, the parties have come forward to settle the dispute by filing a Joint Compromise Memo and to get the marriage dissolved. Now the minor boy is under the custody of the mother and the appellant, who is the father of the child, has deposited a sum of Rs.1 lakh, which has been acknowledged by the respondent.

7.This Court finds that the marriage between the appellant and the respondent solemnized on 15.5.2022 and the respondent got conceived and delivered a baby on 22.02.2023. Even before that, the appellant and respondent got separated. The Petition for annulment of marriage was presented on 13.4.2023. Now they have come forward to dissolve the marriage by mutual consent. Hence this Court taking note of the peculiar facts of the case inclined to dissolve the marriage on the basis of the joint compromise memo filed by the parties under Section 13-B of the Hindu Marriage Act, 1955.



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8. Accordingly, the Civil Miscellaneous Appeal is disposed of in terms of the Joint Compromise Memo. The Joint Compromise Memo shall form part and parcel of the judgment. The marriage solemnized between the appellant and respondent on 15.05.2022 at Erukalai, Vellore according to Hindu rites and customs is dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955. There shall be no order as to costs.

[G.J.,J.] [R.P.,J.]
21.02.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

The Judge,
Family Court,
Sivagangai.

Copy to

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

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DR.G.JAYACHANDRAN, J.
and
R.POORNIMA,J.

vsn

JUDGMENT MADE IN
C.M.A(MD)No.1244 of 2023

21.02.2025