



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

WEB COPY

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

CMA No. 185 of 2023

A.Kiruthika

Appellant(s)

Vs

N. Anandhan

Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, to set aside the fair and decretal order dated 12.09.2022 made in HMOP No.1636 of 2017 on the file of the Learned Additional Principal Family Court, Coimbatore.

For Appellant(s): Ms.M.V.Saranya
for Mr.Shangar Murali

For Respondent(s): Ms.V. Gayathri

JUDGMENT

(Judgment made by N.Sathish Kumar J.)

Civil Miscellaneous Appeal has been originally filed challenging the decree and judgment of the Trial Court dated 12.09.2022 dismissing the petition in HMOP.No.1637 of 2017 seeking for grant of divorce on the ground of cruelty.

2. When the appeals are taken up for hearing today, both the appellant/wife and respondent/husband appeared before this Court and they were identified by their respective counsel. The learned counsel appearing for the appellant and respondent along with the parties represented that the parties have arrived at the settlement and are filing a Joint Memo of Compromise dated



05.02.2026, duly signed by both the appellant as well as respondent and their respective counsel and prayed for passing of decree of divorce by mutual consent. The said joint memo of compromise is taken on file and recorded.

3. It is the admitted fact that the marriage between the appellant and the respondent was solemnised on 03.06.2009. From the wedlock, the minor son was born on 28.02.2013, later due to strained relationship in the matrimonial life, the appellant has filed the petition for divorce in the year 2017 and the parties are not living together from the year 2014 and they are separated for almost more than 11 years, now, they have reached the settlement agreeing for divorce by mutual consent.

4. Considering the above, we are of the view that as the parties are in separation for more than 11 years and there is no chance of reconciliation, we are inclined to treat the pending application as petition under Section 13B of the Hindu Marriage Act and waive the period of six months considering the long pendency of the petition and their separation. Accordingly, the divorce is granted and the marriage between the appellant and the respondent solemnised on 03.06.2009 stands dissolved through divorce by mutual consent.

5. In view of the above, this Civil Miscellaneous Appeal is disposed of by granting decree of divorce by mutual consent in terms of joint memo of



compromise. The Joint Memo of Compromise dated 05.02.2026 shall form part of the decree. No costs. The respondent/husband is entitled to visitation rights as agreed in the joint memo to visit his minor child once in a month, i.e., 3rd Sunday. The parties shall bind with regard to the other terms as agreed in the joint compromise memo.

(N.SATHISH KUMAR J.)(R.SAKTHIVEL J.)
05-02-2026

dhk

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Additional Principal Judge
Additional Principal Family Court,
Coimbatore



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**N.SATHISH KUMAR J.
AND
R.SAKTHIVEL J.**

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