



WEB COPY



C.M.A.No.2436 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2026

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

C.M.A. No. 2436 of 2021

K.Ananda Kannan, M/A-38 years,
S/o.Kumarasamy,
D.No.1/262, Omsakthi Maruvarasi Illam,
Washington Nagar,
Ration Shop Near, P.N.Road, Tiruppur,
Now residing at D.No.1/262, D, Washington Nagar,
Ration Shop Near,
B.N.Road, Tiruppur – 641 666.

... Appellant

Vs.

Indhumathi, F/A-34 years,
W/o.Ananda Kannan,
D/o.Mani,
D.No.1/262, Washington Nagar,
Ration Shop Near, P.N.Road,
Tiruppur – 641 666,
Now residing at
Door No.638-109,
Marapalayam, Neduankattuthoattam,
Sivagiri, Erode District.

... Respondent



C.M.A.No.2436 of 2021

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, 1984 to set aside the Judgment and decree in H.M.O.P.No.57 of 2020 dated 16.04.2021 on the file of the Family Court, Thiruppur and thus render justice.

For Appellant : Mr.W.Camyles Gandhi.

For Respondent : Mr.R.Prabhakar.

J U D G M E N T

(Delivered by Dr. A.D. Maria Clete, J)

This Civil Miscellaneous Appeal is directed against the order of the Family Court, Tiruppur, dismissing H.M.O.P. No.57 of 2020, a petition seeking dissolution of the marriage between the appellant and the respondent.

2.On 13.03.2025, this Court referred the matter to the Mediation Centre to explore the possibility of an amicable settlement between the parties.

3. When the appeal was taken up for hearing, the Mediation Centre reported that a settlement had been reached between the parties, and its mediation report dated 17.07.2025, together with the settlement agreement signed by both parties, has been forwarded to this Court.



C.M.A.No.2436 of 2021

4. Placing reliance on the settlement agreement, learned counsel on both sides submit that, as the appellant and the respondent have mutually agreed for a settlement and the parties have agreed to withdraw all their cases against each other and agreed for a divorce and the appellant has paid Rs.2,00,000/- and agreed to execute a settlement deed in favour of their daughter, this Court may record the same, set aside the impugned judgment, and grant a decree of divorce between the parties.

5. We have considered the submissions of learned counsel on both sides and noted the contents of the settlement agreement.

6. As the Family Court, Tiruppur has already adjudicated the matter on merits by dismissing the appellant's petition for grant of divorce, any compromise reached between the spouses, pursuant to which they seek to invoke Section 13B of the Hindu Marriage Act, 1955, shall be worked out before the Family Court, Tiruppur.



C.M.A.No.2436 of 2021

7. That being so, even if the compromise memo is taken on record, the decree of dissolution under Section 13B of the Act shall be passed by the trial court, i.e., Family Court, Tiruppur. Accordingly, this appeal is disposed of with the following directions:

- a) The settlement agreement dated 17.07.2025, filed by the appellant/husband and the respondent/wife and signed by both parties, is taken on record.
- b) In view of the compromise recorded, and as both parties consent to divorce, they are granted liberty to file a petition under Section 13B of the Hindu Marriage Act, 1955, seeking a decree of divorce by mutual consent on the basis of the settlement, within one month from the date of receipt of a copy of this Judgment.
- c) Upon such petition being filed, the Family Court, Tiruppur shall, after waiving the statutory six-month period, take the petition on file, secure the presence of the parties before the Court, and dispose of it instantly without causing any delay.

8. Recording the settlement agreement dated 17.07.2025 and in terms of the above directions, the Civil Miscellaneous Appeal stands disposed of in terms of the settlement agreement. No costs. Consequently, connected miscellaneous petitions, if any, stand closed.



C.M.A.No.2436 of 2021

(R.S.K., J) (A.D.M.C., J)
22.01.2026

WEB COPY

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes/ No

To

1.The Family Court,
Tiruppur.

2.The Section Officer,
VR Section,
High Court of Madras,
Chennai.

R.SURESH KUMAR, J
and
DR. A.D. MARIA CLETE, J

ay



WEB COPY



C.M.A.No.2436 of 2021

C.M.A. No. 2436 of 2021

22.01.2026