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C.M.A.Nos.285 & 305 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2026

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

C.M.A.Nos.285 & 305 of 2026

and

C.M.P.No.3413 of 2026

P.Prabhakaran

... Appellant
in both Appeals

Vs.

Mohana M

... Respondent
in both Appeals

Prayer in C.M.A.No.285 of 2026 : Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act read with Section 28 of the Hindu Marriage Act, against the judgment and decree passed by the III Additional Principal Judge, Family Court, Chennai, on 22.04.2025 in O.P.No.5437 of 2021.

Prayer in C.M.A.No.305 of 2026 : Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act read with Section 28 of the Hindu Marriage Act, against the judgment and decree passed by the III Additional Principal Judge, Family Court, Chennai, on 22.04.2025 in O.P.No.5459 of 2022.

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For Appellant : Mr.Suchit Anand Palande
in both Appeals

For Respondent : Mr.R.Praburam
in both Appeals

COMMON JUDGMENT

(Judgment was delivered by **N. SATHISH KUMAR, J.**)

Challenging the judgment and decree passed by the learned III Additional Principal Judge, Family Court, Chennai, in O.P.No.5437 of 2021, dated 22.04.2025, granting divorce to the respondent/wife, the Civil Miscellaneous Appeal in C.M.A.No.285 of 2026 has been filed by the husband.

2.Challenging the judgment and decree passed by the learned III Additional Principal Judge, Family Court, Chennai, in O.P.No.5459 of 2022, dated 22.04.2025, dismissing the petition filed by the husband for restitution of conjugal rights, the Civil Miscellaneous Appeal in C.M.A.No.305 of 2026 has been filed by the husband.



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3. When the matters came up before this Court for admission, both the appellant/husband and respondent/wife appeared through video conferencing. The appellant is identified by his counsel and the respondent/wife is identified by Mr.R.Praburam, learned counsel, who has entered appearance for the respondent/wife by filing a vakalat.

4. Both the appellant/husband and the respondent/wife now submit that, after the decree of divorce being passed, at the intervention of the well-wishers and elders of the family, they have re-united and are leading their family life happily as husband and wife from 1st December, 2025. The respondent/wife states that, therefore, the decree of divorce granted by the Family Court, has to be set aside. Today, the learned counsel for both the parties have filed a joint memo on behalf of the parties before this Court, to that effect.

5. As the parties themselves appeared before this Court through virtual mode, whose identity is established through their respective counsel, and stated that they have renewed their matrimonial life, we are of the view that



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the decree of divorce granted by the Family Court, has to be set aside.

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6. Accordingly, the Civil Miscellaneous Appeal in C.M.A.No.285 of 2026 is allowed and the judgment and decree of the trial Court granting divorce, is set aside.

7. Since the decree of divorce has now been set aside and the parties have already re-united and are living as husband and wife, nothing survives in C.M.A.No.305 of 2026 filed against the dismissal of restitution of conjugal rights. Accordingly, C.M.A.No.305 of 2026 is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.K., J.) (R.S.V., J.)
26.02.2026

mkn

Internet : Yes

Index : Yes / No

Speaking Order / Nonspeaking order

Neutral Citation : Yes



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To

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1.The III Additional Principal Judge,
Family Court,
Chennai.

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



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N. SATHISH KUMAR, J.
and
R. SAKTHIVEL, J.

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