



C.M.A.No.2211 of 2023

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. 2211 of 2023

and

C.M.P. No. 21251 of 2023

Subash 37 yrs /M,
S/o.Masilamani,
Temporarily working at
United Test & Assembly (Company) Centre Ltd.,
No.5, Serangoon North, Ave.5, Singapore – 554 916
Permanently residing at
No.183/63, Palaniandavar Koil Street,
Chennai – 23.

... Appellant

Vs.

Subha 35 yrs/F
W/o.Subash
No.20, Namman Nagar,
Madambakkam, Guduvanchery,
Chengalpattu Taluk,
Kanchipuram District.

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, 1984 to set aside the impugned order passed in H.M.O.P.No.2762 of 2018 dated 07.07.2023 on the file of the III Additional Principal Family Court, Chennai and thus render justice.



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For Appellant : Mr.S.Veeraraghavan.

For Respondent : Mr.R.Lokeshwaran.

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 III Additional Principal Family Court, Chennai, allowing H.M.O.P. No.2762 of 2018, a petition seeking restitution of conjugal rights directing the appellant to join with 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 11.12.2025, together with the compromise memo signed by both parties, has been forwarded to this Court.



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4. Placing reliance on the compromise memo, 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 the appellant has agreed to pay Rs.3,50,000/- as one time settlement towards the school fees of their daughter and the appellant agreed to give a sum of Rs.26,00,000/- on sale of a property in the name of the respondent at the request of the respondent, 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 compromise memo.

6. As the III Additional Principal Family Court, Chennai has already adjudicated the matter on merits by allowing the respondent's petition for restitution of conjugal rights, 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 III Additional Principal Family Court, Chennai.



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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., III Additional Principal Family Court, Chennai. Accordingly, this appeal is disposed of with the following directions:

- a) The compromise memo dated 11.12.2025, 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 III Additional Principal Family Court, Chennai 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 compromise memo dated 11.12.2025 and in terms of the above directions, the Civil Miscellaneous Appeal stands disposed of in terms of the



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compromise memo. No costs. Consequently, connected miscellaneous petitions, if any, stand closed.

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

ay

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes/ No

To

1.The III Additional Principal Family Court,
Chennai.

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

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

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