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CMA No. 3233 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 3233 of 2024

and

CMP No.27080 of 2024

R. Ramachandaran

..Appellant(s)

Vs

R. Shilpa

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act r/w Section 28 of the Hindu Marriage Act to set aside the Decree and Judgment dated 20.08.2024, passed in OP No.126 of 2023, on the file of the Family Court, Krishnagiri.

For Appellant(s): Mr.T. Vignesh

For Respondent(s): Mr. T. Panchatsaram

JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan, J.)

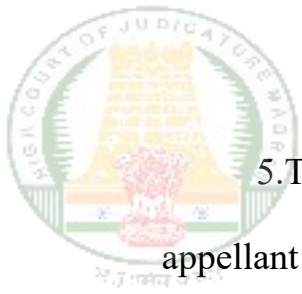
The petitioner in O.P.No.126 of 2023, on the file of the Family Court, Krishnagiri, aggrieved by the judgment dated 20.08.2024 dismissing the said O.P. is on appeal before us.



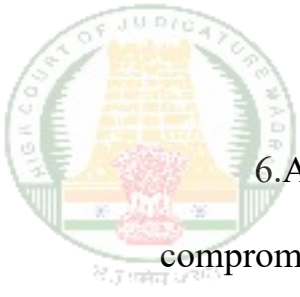
2.The said petition had been filed under Section 13 (1) (i) (i-b) of Hindu Marriage Act, seeking dissolution of marriage solemnized between the appellant and the respondent on 15.11.2013 at Karnataka.

3.We heard extensive arguments advanced by the learned counsel for the appellant and the learned counsel for the respondent. We are also informed that a joint compromise memo had been entered into between the parties/appellant and the respondent on 16.03.2026 and the same had also been forwarded to us. In the joint compromise memo, the appellant herein had undertaken to give a sum of Rs.3,00,000/- towards permanent alimony and also to execute the sale deed/settlement deed in favour of the respondent with respect to a property at S.No.33/1A4 measuring 0.50 cents at K.N.Podur Village at Krishnagiri.

4.We are also informed that accordingly a demand draft had also been purchased on 24.02.2026 from the Tamil Nadu Grama Bank bearing DD No.184050 for a sum of Rs.3,00,000/- in favour of the respondent and handed over to the respondent. A settlement deed had also been executed by the mother of the appellant, Mrs.Kudiamma in favour of the respondent/R.Shilpa on 18.03.2026 and registered as document No.696 of 2026 in the office of the Sub Registrar, Veppanapalli in Krishnagiri District.



5. The learned counsel for the appellant therefore contended that the appellant had kept up with the commitment as stated in the joint compromise memo. A perusal of the judgment under appeal shows that though the appellant had examined three witnesses as PWs 1, 2 and 3 and had also filed five documents, the Trial Court had dismissed the petition only because the appellant had initiated action after about 1 ½ years and had observed that the non action at the relevant point of time and the delayed issuance of the legal notice would necessarily lead to a conclusion that the appellant was not entitled for a decree for divorce. We are of the opinion that the Trial Court should have examined the evidence adduced and should have examined whether the appellant had made out sufficient grounds for grant of divorce. Though in the Trial Court Judgment at irregular intervals, there had been extracts of evidence, there has not been any discussion of the same and whether such evidence was sufficient to grant divorce on the ground urged in the petition. It had been reiterated after extracting evidence that marriage had taken place on 15.11.2013 and there was difference of opinion within six months from the date of the marriage, but that the legal notice was issued only on 30.05.2023 and primarily holding that the appellant had belatedly taken legal steps, the petition had been dismissed. The reasons for the delay had not been properly appreciated and we are of the opinion that it would only be appropriate that the matter is remanded back for further consideration on the evidence adduced.



6. At the same time, we also have to give weightage to the joint compromise memo entered into between the parties and in view of that circumstance which had altered the relationship between the parties, we would set aside the judgment and decree dated 20.08.2024 and remand back O.P.No.126 of 2023 to the file of the Family Court, Krishnagiri, for fresh consideration.

7. In view of the joint compromise memo entered into between the parties which has been affirmed by them, we would also direct that the Trial Court may, on receipt of necessary additional affidavits by both parties, convert the petition filed under Section 13 (1) (i) (i-b) of Hindu Marriage Act to one under Section 13 B of the Hindu Marriage Act, and since admittedly the parties have been living separately for quite some time and certainly for more than six months, if a request is made, waive the statutory period and proceed to adjudicate the issue as a petition under Section 13 B of the Hindu Marriage Act 1955. The Family Court at Krishnagiri may take a judicious decision about the observation made by us once the additional affidavits are filed.

8. The judgment and decree dated 20.08.2024, passed in O.P.No.126 of 2023, on the file of the Family Court, Krishnagiri is set aside. The matter is remanded back for fresh consideration. Parties are directed to appear before the Family Court, Krishnagiri on 05.06.2026. Irrespective of this date, the Family



Court, Krishnagir may issue notice to the parties for their appearance before the Court. Registry to forward the back records to the Family Court, Krishnagiri.

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9.Observing as above, the appeal stands allowed. No costs.
Consequently, connected miscellaneous petition is also closed.

(C.V.K.,J.) (K.R.S.,J.)
16-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
sli

To
The Family Court, Krishnagiri.



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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

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