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C.M.A.Nos.795 & 796 of 2025

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. Nos. 795 & 796 of 2025

and

C.M.P. No. 6297 of 2025

E.S.Vijayarajan,
S/o.E.Sugumaran,
No.27/89-A, F4 First floor,
PJL Towers, Periyar lane,
Chennai – 600094.

... Appellant in both the appeals

Vs.

Mrs.Kokila,
W/o.E.S.Vijayarajan,
No.19/6, First floor,
Verkadalaisamy Madam,
Ayyayoo Street, Thiru Vi Ka Nagar,
Sembium, Perambur,
Chennai – 600011.

... Respondent in both the appeals

PRAYER IN C.M.A.No.795 OF 2025: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984 praying to set aside the fair and decreetal order dated 14.08.2024 passed in H.M.O.P.No.2491 of 2021 on the file of the V Additional Family Court at Chennai and render justice.



C.M.A.Nos.795 & 796 of 2025

PRAYER IN C.M.A.No.796 OF 2025: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984 praying to set aside the fair and decreetal order dated 14.08.2024 passed in H.M.O.P.No.2686 of 2022 on the file of the V Additional Family Court at Chennai and render justice.

For Appellant : Mr. A. Prabhakaran (in both)

For Respondent : Mr. S. Raja (in both)

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

These Civil Miscellaneous Appeals challenge the decree in H.M.O.P. Nos. 2491 of 2021 & 2686 of 2022 on the file of the V Additional Family Court, Chennai, allowing the respondent's petition for restitution of conjugal rights and dismissing the appellant's petition for divorce.

2.On 25.04.2025, this Court referred both these matters to the Mediation Center to explore the possibility of settling these matters amicably between the parties.



C.M.A.Nos.795 & 796 of 2025

3. At the Mediation Centre, the parties settled the dispute, and the mediation report dated 18.08.2025 with the jointly signed memorandum of understanding has been sent to this Court.

4. Based on memorandum of understanding, wherein the parties agree to a mutual-consent divorce and the appellant paid a sum of Rs.10,00,000/- towards full and final settlement to the respondent, the counsels request that this Court record the compromise, set aside the impugned judgment, and pass a decree of divorce.

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

6. As the V Additional Family Court, Chennai has decided the case on merits by allowing restitution of conjugal rights and dismissing the petition for divorce, any subsequent move for a mutual-consent divorce under Section 13B must be made before the Court of competent jurisdiction, i.e the V Additional Family Court, Chennai.



C.M.A.Nos.795 & 796 of 2025

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

(a) The memorandum of understanding filed by the appellant/husband and the respondent/wife dated 18.08.2025 signed by both parties and their respective counsel is taken on record.

(b) In view of the compromise recorded in the said joint compromise memo, since there has been consent for divorce by both the parties, the parties are hereby given liberty to file a petition under Section 13B of the Hindu Marriage Act, 1955 before the V Additional Family Court, Chennai seeking consent divorce decree based on this compromise memo, within a period of one month from the date of receipt of a copy of this Judgment.

(c) On such petition being filed by the parties, along with waiving off six months statutory period, the Court below ie., the V Additional Family Court, Chennai, shall take such a petition on file and after verifying the parties to be present before the Court, and dispose of it instantly without causing any delay.



C.M.A.Nos.795 & 796 of 2025

8. With the above directions, by recording the aforesaid memorandum of understanding dated 18.08.2025, these Civil Miscellaneous Appeals are disposed of in terms of the memorandum of understanding. No costs. Consequently, the connected miscellaneous petitions, if any stand closed.

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

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

To

1. The V Additional Family Court,
Chennai.

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

R.SURESH KUMAR, J
and



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C.M.A.Nos.795 & 796 of 2025

DR. A.D. MARIA CLETE, J

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C.M.A. Nos. 795 & 796 of 2025

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