



C.M.A(MD)Nos.753 and 791 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**C.M.A(MD)Nos.753 and 791 of 2024
and
CMP (MD) Nos.8695 and 8314 of 2024**

A.Charles Arul Arokiaraj

... Appellant
(in both CMAs)

Vs.

Mary Ruth Delcia

... Respondent
(in both CMAs)

PRAYER in CMA (MD) No.753 of 2024:- Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the order passed by the Learned District Judge Family Court at Dindigul, made in I.D.O.P No.185 of 2023 dated 01.04.2024 by allowing the same and to pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances stated above and thus render justice.



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PRAYER in CMA (MD) No.791 of 2024:- Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, to set aside the order passed by the learned District Judge Family Court at Dindigul made in I.D.O.P.No.301 of 2022 dated 01.04.2024 by allowing the same and to pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant : Mr.S.Roobankumar (in both appeals)

For Respondent : Mr.Arul Jenifer (in both appeals)

COMMON JUDGMENT

**(Common Judgment of the Court was made by
N.ANAND VENKATESH, J.)**

These appeals have been filed against the order passed by the District Judge, Family Court at Dindigul made in IDOP Nos.185 of 2023 and 301 of 2022 dated 01.04.2024.



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2. During the pendency of the above appeals, the parties were referred to the Mediation Centre. In the Mediation Centre, the parties were able to reach a settlement. The mediation report has been sent to this Court along with the settlement agreement entered into between the parties, dated 17.03.2026.

3. The learned counsel appearing on either side submitted that these appeals can be jointly disposed of by recording the settlement agreement entered into between the parties.

4. Both the parties are also present at the time of hearing and when we asked the parties as to whether they had understood the contents of the agreement and thereafter signed the same, they confirmed the said fact.

5. The agreement that has been entered into between the parties virtually seeks for dissolution of marriage by mutual consent. The terms



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and conditions for the same has been recorded in the matrimonial divorce agreement signed by both the parties both in English and Tamil.

6. Both the parties are governed by the provisions of the Divorce Act 1869 and Section 10A of the Act provides for dissolution of marriage by mutual consent. This amendment was brought in to force with effect from 03.10.2001. In view of the same, this Court is inclined to treat the matrimonial divorce agreement entered into between the parties on 17.03.2026 as a petition under Section 10A of the Divorce Act 1869 and to dissolve the marriage by mutual consent.

7. It will be appropriate to extract the relevant terms and conditions in the joint matrimonial divorce agreement entered into between the parties hereunder:

“1. A.Charles Arul Arokiaraj through the Axis bank of Chennai Perungudi branch for the Amount of Rs.4,00,000/- (in words rupees four lakh only) in a Demand draft number: 14249 dated 10.03.2026. Furtherly, now am hand overing the aforesaid Demand Draft to I.Mary Ruth Delcia through the Mediation Centre in the Hon'ble Madras High Court at



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Madurai Bench. Subsequently, A.Charles Arul Arockiaraj has been ready to provide permanent alimony to I.Mary Ruth Delcia, but she refused for permanent alimony from him.

2. I A.Charles Arul Arockiaraj has availed the Housing loan in State Bank of India, Chennai OMR Branch through wide an housing loan account number: 36741554993.I, A.Charles Arul Arockiaraj has availed the Housing loan in State Bank of India, Chennai OMR Branch through wide an housing loan account number: 36741554993 for an amount of Rs. 35,00,000/- by mortgaging the property stands in his name A.Charles Arul Arockiaraj which was located at first floor front side of 1080 sq.ft, 4th street, Govindasamy Nagar, Kandhanchavadi, Chennai dated on 28.04.2017. In that aforesaid housing loan I.Mary Ruth Delcia has been involved as Co-Applicant. Furtherly, the matrimonial relationship between us has came to end. Subsequently, after obtaining the Divorce order from the Hon'ble Madras High Court of Madurai Bench, I A.Charles Arul Arockiaraj has taking the sole responsibility and liability to remove the Co- Applicant name I.Mary Ruth Delcia in the aforesaid housing loan account number: 36741554993 in aforesaid bank. If Necessary situation arises for removal of Co-Applicant name I.Mary Ruth Delcia, I A.Charles Arul Arockiraj has ready to file Writ petition before the concern



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jurisdiction court with his own cost and liability for removing of co- applicant name from the aforesaid housing loan in the aforesaid bank. Furtherly, after removing of Co-Applicant name, I.Mary Ruth Delcia has agreed to return the Mangal sutra gold of 06 grams in person on without any delay or refusal to A.Charles Arul Arockiaraj on the venue at St.Joseph's Church at Dindigul.

3. I, A.Charles Arul Arockiaraj has agreed that male child named C.Sam Arul Anto S/o A.Charles Arul Arockiraj to be grew up with his mother I. Mary Ruth Delcia. Furtherly I.Mary Ruth Delcia has no objection that in future after attaining the age of 18 years C.Sam Arul Anto S/o A.Charles Arul Arockiraj has the privileged right to live with his father A.Charles Arul Arockiaraj on his own decision.”

8. It is seen that both the parties are living separately for more than 17 years and they are not able to rejoin together and therefore, they have mutually agreed that the marriage can be dissolved. The requirements under Section 10A of the Divorce Act 1869 has been satisfied.



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9. Section 10A(2) of the Divorce Act 1869, provides that such a dissolution of marriage by mutual consent can be granted by the Court not earlier than six months after the date of presentation of the petition and not later than 18 months after the said date.

10. In our considered view, the above requirement prescribed under Section 10A(2) of the Divorce Act, 1869, is directory in nature. A similar provision which is *in pari materia* is available under Section 13B of the Hindu Marriage Act, 1985, and the Courts, while interpreting the same, held that the period prescribed is only directory in nature and not mandatory and that the said period can be waived.

11. Ultimately, the issue went before a larger Bench in *Amardeep Singh v. Harveen Kaur*, reported in **2017 (5) CTC 665**, wherein it was held that the period of six months can be waived by the Court if there is no possibility of any reunion between the parties. Even though the said judgment was passed while dealing with Section 13B of the Hindu Marriage Act, 1985, the ratio in the said judgment can be



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equally apply while dealing with subsection (2) of Section 10A of the Divorce Act, 1869.

12. In the light of the above discussion, we are inclined to waive the six months period since the parties have been living apart for nearly 17 years and there is no possibility of reunion and they have also expressed their mind to dissolve the marriage through mutual consent.

13. The upshot of the above discussion is that both the Civil Miscellaneous Appeals are disposed of in the following terms:

(a) The marriage between the appellant and the respondent that took place on 07.05.2009 at St.Joseph's Church, Dindigul, as per Christian rites and customs under the Indian Christian Marriage Act, 1872, is hereby dissolved by mutual consent;

(b) The dissolution of marriage by mutual consent will be in terms of the matrimonial divorce agreement dated 17.03.2026 and this agreement will form part of the decree;



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(c) Accordingly, IDOP Nos.185 of 2023 and 301 of 2022 shall

stand closed.

No costs. Consequently, the connected miscellaneous petitions are closed.

[N.A.V., J.] [K.K.R.K., J.]
26.03.2026

NCC :Yes/No
Index :Yes/No
PKN

To

1.Learned District Judge,
Family Court at Dindigul.

2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.



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AND

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