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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.S.A.No.23 of 2006
and M.P.No.1 of 2007

R. Vijaya ... Appellant

Vs.

R.Loganathan ... Respondent

PRAYER: Civil Miscellaneous Second Appeal has been filed under Section 13(1) (ia) (ib) of the Hindu Marriage Act read with under Section 100 of Civil Procedure Code, against the judgment and decree dated 29.11.2005 made in H.M.C.M.A.No.3 of 2004 on the file of the Principal District Judge, Vellore, confirming the judgment and decree dated 03.03.2004 made in H.M.O.P.No.10 of 1999 on the file of Subordinate Judge, Ranipet.

For Appellant : Mr.G.Jeremiah
For Respondent : M/s.Ka.Ravindran
Arumsimi

J U D G M E N T

The present Civil Miscellaneous Second Appeal has been filed against the judgment and decree dated 29.11.2005 made in H.M.C.M.A.No.3 of 2004 on the file of the Principal District Judge, Vellore, confirming the judgment and decree dated 03.03.2004 made in H.M.O.P.No.10 of 1999 on the file of Subordinate Judge, Ranipet.

2. By consent of both parties, the matter was referred to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, by order dated 08.02.2018.

3. Pursuant to the negotiations, the parties have settled their disputes and a report was sent by the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, in Mediation File No.295/2018 dated 19.06.2018, attaching the Joint Memo of Compromise dated 09.04.2018. The said Joint Memo of Compromise reads as under:-



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Joint Memo of Compromise

We, state that we were married on 27.09.1993 as per the Hindu rites at Gudiyatham. The matrimonial home was established at Gudiyatham. However, due to disputes and incompatibility, the wife, appellant herein left the matrimonial home in the month of October, 1993. Since then the parties have not had any relationship or contact. All attempts of a reconciliation failed.

The wife instituted H.M.O.P.No.10 of 1999 before the Subordinate Judge, Ranipet, under Section 13(1)(ia)(ib) of the Hindu Marriage Act for dissolution of the marriage, on the ground of desertion and cruelty. The petition was dismissed by a judgment dated 03.03.2004. The appeal filed in H.M.C.M.A.No.3 of 2004 before the Principal District Judge, Vellore, was also dismissed on 29.11.2005. The present C.M.S.A.No.23 had been filed by the wife/appellant.

The parties hereto submit that from the year 1993 they have been living apart for the last twenty five years. The parties accept that there is no possibility of any reconciliation between them and that it is pointless to continue the litigation.

That the parties hereto have mutually decided to dissolve their marriage solemnized on 27.09.1993 by mutually consenting for divorce.

That the said R.Vijaya shall not make any claim for maintenance against her husband R.Loganathan and neither party shall have any monetary claim against each other or any other claim as result of their marriage.

That the parties hereto have mutually and voluntarily agreed to the above terms of the settlement.

4. When the matter is taken up today (31.08.2018), the parties appeared before this Court and submitted that they are willing to dissolve their marriage solemnized on 27.09.1993 without seeking any monetary benefit against each other.



5. Accordingly, this Civil Miscellaneous Second Appeal is allowed. The said Joint Memo of Compromise shall form part of the decree. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Principal District Judge, Vellore.
2. The Subordinate Judge, Ranipet, Vellore District.

Copy to
The Section officer
VR Section, High court, Madras 104.

- +1 CC to Mr.G.Jeremiah, Advocate sr 60063.
- +1 CC to Mr.K.A. Ravindran, Advocate sr 60167.

C.M.S.A.No.23 of 2006
and M.P.No.1 of 2007

SS (CO)
SP (02/01/2019)