

(2011) 07 MAD CK 0319

In the Madras High Court

Case No : C.R.P (PD) (MD) No"s. 1329 and 1330 of 2010 and M.P (MD) No. 1 of 2010

Armstrong Poovizhi Selvan

APPELLANT

Vs

Margaret @ Sundaravalli

RESPONDENT

Date of Decision : 07-07-2011

Acts Referred:

Citation : (2011) 07 MAD CK 0319

Hon'ble Judges : C.S. Karnan, J

Bench : Single Bench

Advocate : M. Senthil Kumar, for the Appellant; J. Anand Kumar, for the Respondent

Final Decision : Dismissed

Judgement

C.S. Karnan, J.—These petitions have been filed by the Petitioner/husband to set aside the order dated 08.04.2010 passed in I.A. Nos. 1172 and 1173 of 2009 in I.D.O.P. No. 12 of 2007 on the file of the I Additional District Court, Madurai.

2. The brief facts of the case are as follows:

The Civil Revision Petitioner/husband has filed I.D.O.P. No. 12 of 2007 on the file of the I Additional District Judge, Madurai against the Respondent/wife for divorce on the ground of cruelty and desertion. The said case came up for hearing on 04.04.2008. On that day the Respondent/wife did not appear. Hence, the learned Judge passed an ex parte decree. Aggrieved by the said ex parte decree, the Respondent/wife had filed Interlocutory Applications Nos. 1172 and 1173 of 2009 to set aside the ex parte decree, passed against her, along with condone delay petition. The same was resisted by the husband, the revision Petitioner herein. After contest, the learned Judge was pleased to allow the set aside application and restore the I.D.O.P. No. 12 of 2007 on his file. The revision Petitioner has filed the above revision petitions to set aside the order dated 08.04.2010 passed in I.A. Nos. 1172 and 1173 of 2009 in I.D.O.P. No. 12 of

2007.

3. The said case came before this Court today, for hearing. The learned Counsel for both sides and their respective parties have filed joint memo stating that the Respondent/wife has received a sum of Rs. 1,05,000/-by way of three Demand Draft, dated 29.06.2011, in favour of Respondent/wife, towards full satisfaction of all her claims from the Petitioner/husband as one lumpsum payment for agreed for divorce by mutual consent. Hence, the learned Counsel have sought decree before this Court.

4. In view of the facts and legal submissions of the learned Counsels and on perusing the joint compromise memo, this Court is of the considered opinion that both parties shall appear before the learned I Additional District Judge, Madurai, to work out their remedy in the said I.D.O.P. No. 12 of 2007, which is pending on the file of the learned Judge. Since this revision petition has arisen from the interlocutory orders, therefore, this Court cannot interfered with the main case. Hence, the above Civil Revision petitions are closed on the basis of joint compromise memo, which is duly signed by the learned Counsels and their respective parties. Accordingly ordered. This Court further directs the learned I Additional District Judge, Madurai to take expeditious decision, as soon as the compromise memo is filed by the parties concerned.

5. Resultantly, the above Civil Revision Petitions are disposed of with the above observation. Consequently, the order and decretal order passed in I.A. No. 1172 and 1173 of 2009 in I.D.O.P. No. 12 of 2007 dated 08.04.2010, pending on the file of the Principal District Judge, Madurai, is confirmed. Consequently, connected miscellaneous petitions are closed. There is No. order as to costs.