

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

S.L.P.(C) NO. 14086 OF 2012

V.D. Grahalakshmi ..Petitioner

versus

T. Prashanth ..Respondent

O R D E R

This petition is directed against the judgment of the Madras High Court, whereby the appeal preferred by the petitioner under Section 19 of the Family Courts Act, 1984 was dismissed and the decree passed by Principal Judge, Family Court, Chennai in F.C.O.P. No. 1992 of 2007 declaring the marriage between the parties as nullity was upheld.

Learned senior counsel appearing for the parties, who are also present in the Court, stated that their clients have amicably resolved all the disputes and have agreed to seek dissolution of marriage by mutual consent.

A petition has also been filed in the Court with the prayer that the marriage between the parties may be dissolved by mutual consent under Section 13B of the Hindu Marriage Act, 1955 (for short, 'the Act'). The application is accompanied by the affidavits of the parties and Memorandum Settlement duly signed by them.

In response to the query made by the Court, the parties gave out that they have mutually agreed for dissolution of marriage under Section 13B of the Act. They also agreed for withdrawal of the various cases and for quashing of two first information report and one complaint.

We have carefully gone through the contents of the Memorandum Settlement and are satisfied that the same has been signed by the parties voluntarily without any undue influence.

The Memorandum Settlement is taken on record. The same shall be treated as a part of this order.

Since, the parties have expressed their unequivocal unwillingness to live together, the application filed by them for dissolution of marriage by mutual consent is allowed by invoking powers of this Court under Section 13B of the Act read with Article 142 of the Constitution and a decree of divorce by mutual consent is passed.

As a sequel to the settlement reached between the parties and the decree passed by this Court for dissolution of marriage by mutual consent, the impugned judgment as also the one passed by Principal Judge, Family Court, Chennai are set aside.

O.P. No. 1992 of 2007 decided by the Family Court, Chennai and C.M.A. No.1305 of 2009 decided by the High Court of Madras are dismissed as withdrawn and the orders passed in those cases are treated as non est.

FIR No.16 dated 11.07.2007 registered at W25, T.Nagar Police Station, Chennai, FIR No.23 dated 14.09.2007 registered at W25, T.Nagar Police Station, Chennai and complaint filed by the petitioner on 16.06.2007 in the W25, T.Nagar Police Station, Chennai are quashed.

It is needless to say that the parties shall strictly abide by the terms of the settlement.

The special leave petition is disposed of in the manner indicated above.

.....J.
[G.S. SINGHVI]

NEW DELHI;J.
DECEMBER 13, 2012 [SUDHANSU JYOTI MUKHOPADHAYA]

ITEM NO.5 COURT NO.4 SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).14086/2012

(From the judgement and order dated 21/11/2011 in CMA No.1305/2009 of The HIGH COURT OF MADRAS)

V.D.GRAHALAKSHMI Petitioner(s)

VERSUS

T.PRASHANTH Respondent(s)

(With appln(s) for exemption from filing O.T.,permission to place addl. documents on record and prayer for interim relief and office report)

Date: 13/12/2012 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Senthil Jagadeesan,Adv.

For Respondent(s) Mr. Gopal Subramaniam, Sr. Adv.
Mr. E.Md. Abbas, Adv.

Mr. M. Yogesh Kanna, Adv.

UPON hearing counsel the Court made the following
O R D E R

The special leave petition is disposed of in terms of the signed order.

| (Parveen Kr. Chawla)
| Court Master
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| | (Phoolan Wati Arora)
| | Court Master
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[signed order is placed on the file]