



Tr.C.M.P.(MD)No.33 of 2022
C.R.P.(MD)No.1135 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD)No.33 of 2022
& C.M.P.(MD)No.632 of 2022
and
C.R.P.(MD)No.1135 of 2022
& C.M.P.(MD)Nos.4226, 4634 and 4635 of 2022

Tr.C.M.P.(MD)No.33 of 2022:-

Radha, D/o.Karuppaiah

.. Petitioner

Versus

Periyasamy, S/o.Udhayappan

.. Respondent

Prayer :- Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the case on the file of Principal Sub-Court, Pudukkottai, in H.M.O.P.No.248 of 2020 and transfer the same to the Sub-Court, Devakottai.

For Petitioner : Mr.P.Saravanakumar

For Respondent : Mr.M.Ramu

C.R.P.(MD)No.1135 of 2022:-

Periyasamy, S/o.Udaiyappan

.. Petitioner

Versus

Radha, W/o.Periyasamy

.. Respondent

Prayer :- Petition filed under Article 227 of the Constitution of India, against the proceedings under the Domestic Violence Act Petition in D.V.O.P.No.105 of 2022, on the file of the Judicial Magistrate Court, Karaikudi.



Tr.C.M.P.(MD)No.33 of 2022
C.R.P.(MD)No.1135 of 2022

For Petitioner : Mr.M.Ramu

WEB COPY For Respondent : Mr.P.Saravanakumar

COMMON ORDER

The wife has filed Tr.C.M.P.(MD)No.33 of 2022 to withdraw the case in H.M.O.P.No.248 of 2020, filed by the respondent for divorce, pending on the file of Principal Sub-Court, Pudukkottai, and to transfer the same to the Sub-Court, Devakottai.

2. The husband filed C.R.P.(MD)No.1135 of 2022 seeking to quash the proceedings initiated by the wife under the Domestic Violence Act in D.V.O.P.No. 105 of 2022, pending on the file of the Judicial Magistrate Court, Karaikudi.

3. This Court, vide its order dated 21.06.2022, referred the matter to the Mediation and Conciliation Centre attached to this Bench. Accordingly, several meetings were held from 29.06.2022 to 21.02.2023 and the parties have voluntarily arrived at an amicable solution for resolving their disputes and differences. They have also entered into a Settlement Agreement, dated 21.02.2023. A copy of the Settlement Agreement has also been forwarded by the Mediation Centre, wherein the parties and their respective counsels have affixed their signatures. The relevant portion of the said Settlement Agreement reads as follows:-



"A. The petitioner/Mr.Periyasamy in C.R.P.(MD).No.1135 of 2022 agreed to pay Rs.4,00,000/- as permanent alimony / maintenance to the respondent / wife. So far he paid 3,25,000/- in several instalments. He promised to pay the balance amount of Rs.75,000/- on 09.03.2023 to respondent / wife through counsel. The respondent / wife agreed for the same.

B. The petitioner/husband agreed to hand over 5 soverign of golden jewels to the respondent /wife. Out of which, today he handed over 24.800gram of golden jewels to her. He promised to hand over the balance jewels on 09.03.2023. The respondent / wife accepted the same and agreed to receive the balance jewels on 09.03.2023. She also promised to hand over the Mangal Sutra (Thali) to the petitioner/husband on 09.03.2023. He agreed for the same.

C. On 17.07.2022 the respondent/wife took all her household articles and dresses from the house of petitioner/husband. So there is no exchange of things/articles between them as on date.

D. Mr. Periyasamy undertakes to spend all the educational expenses of their minor daughter P.R.Navaneetha aged 16 years upto her higher studies, except the bus fees for 12 standard. He promised to give a bicycle to his daughter within 2 days from today. The respondent/wife agreed for the same.

E. Mr.Periysamy agreed to spend all the marriage expenditure his daughter (P.R.Navaneetha) and Mrs.Radha the respondent/wife undertakes to give 10 soverign of golden jewels to her daughter (P.R.Navaneetha) at the time of her marriage.

F. Mrs.Radha agreed for the Visitation right of the daughter P.R.Navaneetha by Mr.Periyasamy on 1st and 3rd Sundays of every English Calendar months upto her age of Majority and thereafter as per the will and wish of their daughter he can meet her.

G. Mrs.Radha agreed to give consent for divorce in H.M.O.P.No.248 of 2020 pending before Sub Court, Pudukottai after fulfilment of condition A and B of this agreement, as per this compromise and denying the allegation levelled against her in the divorce petition. She also agreed to withdraw D.V.O.P.No.105/2022 filed by her against Mr.Periyasamy pending before J.M.Court, Karaikudi after fulfilment of conditions A and B.



Tr.C.M.P.(MD)No.33 of 2022 &
C.R.P.(MD)No.1135 of 2022

7. *By signing this Agreement the Parties hereto state that they have no further claims or demands against each other with respect to C.R.P.(MD).No.1135 of 2022 and Transfer CMP(MD).No.33 of 2022 (Case No) and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of conciliation / Mediation."*

4. The Transfer Civil Miscellaneous Petition and the Civil Revision Petition stand disposed of in terms of the Settlement Agreement, dated 21.02.2023. The parties shall abide by the terms of settlement entered into between them. The Settlement Agreement, dated 21.02.2023, shall form part of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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21.03.2023

To

1.The Principal Sub-Judge,
Pudukkottai.

2.The Judicial Magistrate,
Karaikudi.



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C.R.P.(MD)No.1135 of 2022

C.SARAVANAN, J.

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Common Order made in
Tr.C.M.P.(MD)No.33 of 2022
and C.R.P.(MD)No.1135 of 2022

21.03.2023