

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13/7/2015

C O R A M

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

C.M.A. No.1144 of 2014

V.Pugazhendhi ... Appellant

Vs

S.P.Sandhiya ... Respondent

Appeal filed under Section 19 of the Family Courts Act against the decree and order of the III Additional Family Court's Principal Judge, Chennai dated 31/7/2013 passed in I.A.No.835 of 2011 in O.P.No.4047 of 2009.

For appellant ... Mr.B.Venugopal

For respondent ... Mrs.K.Sumathi

J U D G M E N T

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

This Civil Miscellaneous Appeal is directed against the order dated 31/7/2013 passed in I.A.No.835 of 2011 in O.P.No.4047 of 2009 by the learned III Additional Family Court (Principal Judge), Chennai, whereunder the O.P filed by the respondent herein was partly allowed.

2. The parties have settled the dispute before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras and recorded the memo of compromise as under:-

"The petitioner/husband has accepted to pay a sum of Rs.4 lakhs as permanent alimony. Out of which he has paid a sum of Rs.2,00,000/- (Rupees Two lakhs only) already by way of ICICI cheque bearing No.788353 on 6/11/2014. Further, he paid to the respondent/wife a sum of Rs. 1 lakh by way of another ICICI cheque No.788354 dated 18/12/2014, the date of filing

of the fresh O.P.No.4880 of 2014 before the Hon'ble III Additional Family Court at Chennai and posted to 19/6/2015 for enquiry. Further, the petitioner/husband has assured to pay the balance sum of Rs.1 lakh will be paid by him and by way of cash or DD on the date of recording evidence in this mutual consent O.P the respondent/wife has also in turn accepted an acknowledgement of receipt of the above mentioned paid amount of Rs.3,00,000/- (Rupees Three lakhs only) from the petitioner/husband.

The petitioner/husband and the respondent/wife hereby undertake that they will not claim anything against each other either acquired by them individually or inherited by them or by litigating themselves after obtaining the decree of consent divorce. This clause will be applicable in case any future amendments are carried out in Hindu Succession Act and thereby both the parties shall not claim any right of succession in both the moveable and immoveable.

The petitioner/husband and the respondent/wife have mutually agree that there would not be any claim against each other in respect of any article or property and they have mutually exchanged all their articles and belongings. Both the parties declare that they will not initiate any other proceedings in respect of this matrimonial dispute or properties under any law in this country, or in any foreign countries in future.

Further the petitioner/husband has given an undertaking to withdraw the O.P.No.4047 of 2009 on the date of recording the evidence in the O.p.No.4880 of 2014 for divorce by mutual consent before the Hon'ble III Additional Family Court, Chennai.

By this Memo of Compromise, the appellant/husband hereby undertakes to withdraw the C.M.A.No.1144 of 2014, pending before the Hon'ble High Court of Judicature at Madras, in accordance with the amicable settlement being arrived in between both parties in this mediation proceedings."

3. This Civil Miscellaneous Appeal is ordered in terms of the memo of compromise dated 16th April, 2015. No costs. Connected Miscellaneous Appeal No.1 of 2014 is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

mvs.

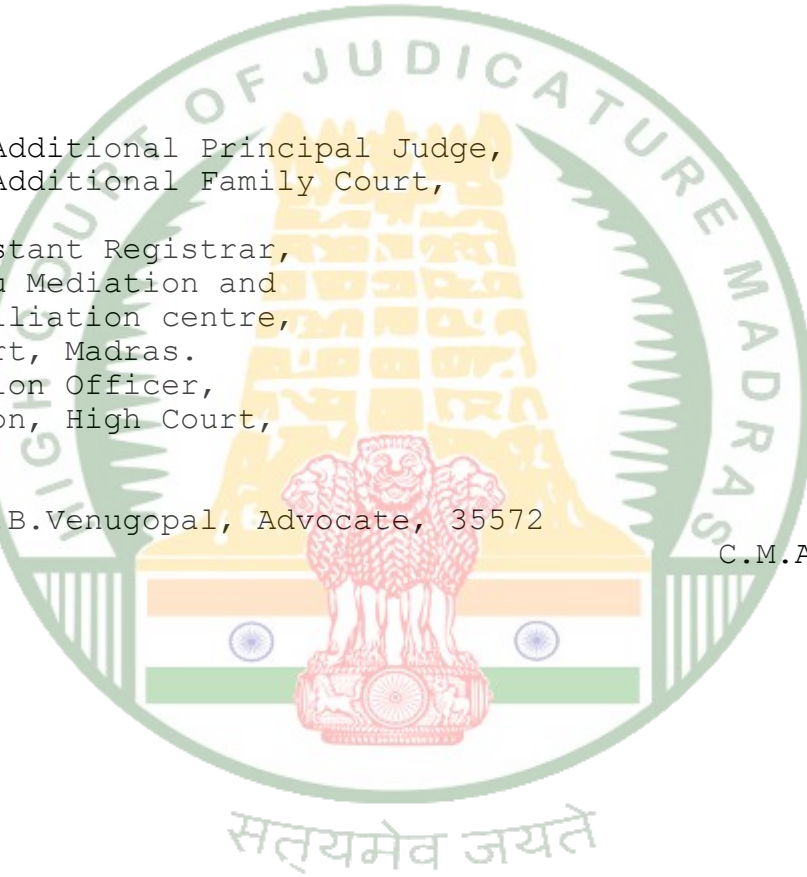
To:

1. The III Additional Principal Judge,
The III Additional Family Court,
Chennai.
2. The Assistant Registrar,
Tamilnadu Mediation and
counciliation centre,
High Court, Madras.
3. The section Officer,
VR section, High Court,
Madras.

+1 cc to Mr.B.Venugopal, Advocate, 35572

C.M.A.No.1144 of 2014

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