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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2015

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

C.M.S.A.No.10 of 2015

Senthil Kumar

.. Petitioner/Appellant

vs

Nirmala Devi

.. Respondent/Respondent

Prayer: Civil Miscellaneous Second Appeal filed under Section 100 of the Code of Civil Procedure r/w Section 13(1)(i-a) of the Hindu Marriage Act against the judgment and decree dated 09.12.2014 passed by the learned Additional District Judge, Dharmapuri in C.M.A.No.5 of 2012 in confirming the judgment and decree dated 07.09.2012 passed by the learned Subordinate Judge, Harur in HMOP No.39 of 2011.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.S.Xavier Felix

JUDGMENT

The above Civil Miscellaneous Second Appeal has been filed against the judgment and decree dated 09.12.2014 passed by the learned Additional District Judge, Dharmapuri in C.M.A.No.5 of 2012 in confirming the judgment and decree dated 07.09.2012 passed by the learned Subordinate Judge, Harur in HMOP No.39 of 2011.

2. This petition was referred for mediation to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, by the order of this Court, dated 06.04.2015.

3. A communication, dated 25.11.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its Mediation Report, dated 03.11.2015, has been received, and in the said Mediation Report, it is stated as follows:-

" Both the parties appeared before the Centre along with their counsel. Matter has been settled between them as per the terms cited in the Memo of Compromise enclosed. Hence, the matter is sent back to the Hon'ble Court."



4. As the parties have arrived at a settlement in terms of the said Memo of Compromise, this petition is listed for passing orders in terms of the said Compromise.

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5. When the matter is taken up for hearing, both the parties are present in Court along with their respective counsel. They would submit that they have got settled the matter before the Mediation and Conciliation Centre, High Court, Madras.

6. Learned counsel for the Petitioner/husband would submit that he has given a Gift Settlement Deed along with the FMB sketch executed in favour of his minor son S.Sai Akash dated 07.10.2015 vide Document No.1294 of 2015 and the original has been produced before this Court. Whereas the learned counsel for the respondent/wife also has given her acknowledgment for receipt of the said Gift Settlement Deed and also the Streedhana Articles returned by the petitioner/husband. She has also given consent for divorce. Accordingly, they would pray for recording the said documents by allowing this Civil Miscellaneous Second Appeal.

7. In terms of the settlement arrived at between the parties, which is recorded before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras dated 03.11.2015 this Civil Miscellaneous Second Appeal is allowed recording the Gift Settlement Deed executed by the petitioner in favour of his minor son and also the acknowledgement given by the respondent/wife accepting the same along with the Streedhana articles. The terms of the Memo of Compromise and the Mediation Report, dated 03.11.2015 of the Mediation Centre shall form part of this order.

8. Office is directed to return the original Gift Settlement Deed along with the FMB sketch, which has been produced before the Mediation Centre and is enclosed along with the Mediation Report after replacing it with a xerox copy and under due acknowledgment to the learned counsel for the respondent, immediately.

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Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar



To

1. The Additional District Judge, Dharmapuri

2. The Subordinate Judge, Harur

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Copy to:

The Secretary,
Mediation and Conciliation Centre,
High Court, Madras.

+ 1 cc to M/s.C.Munusamy, Advocate SR 68240

+ 1 cc to M/s.S.Xaiver Felix, Advocate SR 68237

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C.M.S.A.No.10 of 2015