

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

TR.CMP.No.408 of 2015

and

M.P.No.1 of 2015

A.Jagadish

... Petitioner

Vs

Vaidegi

... Respondent

Prayer: Petition filed under Section 24 of CPC to withdraw the petition in HMOP No.3426 of 2013 pending on the file of the learned III Additional Judge, Family Court, Chennai and to transfer the same to the file of the Principal Judge, Family Court, Chennai.

For Petitioner : Mr.T.C.S.Rajachockalingam

For Respondent : Dr.G.Krishnamurthy

ORDER

The above petition has been filed to withdraw the petition in HMOP No.3426 of 2013 pending on the file of the learned III Additional Judge, Family Court, Chennai and to transfer the same to the file of the Principal Judge, Family Court, Chennai.

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 20.07.2015.

3. A communication, dated 02.09.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its Mediation Report, dated 26.08.2015, 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 Mediation Agreement 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 Mediation Agreement dated 26.08.2015, this petition is listed for passing orders in terms of the said Mediation Agreement.

5. The Mediation Agreement, dated 26.08.2015 signed by the parties and their respective counsel, reads as follows:-

"Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows:

1. The petitioner has agreed to pay a sum of Rs.8,00,000/- [Rupees eight lakhs only] as a onetime settlement [permanent alimony] to the respondent herein further the petitioner agreed to pay a sum of Rs.1,00,000/- [Rupees one lakh only] to the respondent by way of cash before the Mediation Centre, today itself and the balance amount of Rs.7,00,000/- [Rupees seven lakhs only] will be paid to the respondent at the time of giving her consent in O.P.No.3426/13 to grant decree of divorce at the earliest or at the time of giving evidence in the mutual divorce petition. There shall be no further claim whatsoever on either side.

2. The respondent herein agrees to give her consent to quash the proceeding in C.C.No.1038/2015 and C.C.No.1281/2015 and D.V.C.No.119/2015 on the file of V M.M.Magistrate, Egmore [at present at Moore Market Building] which initiated based on for complaint.

3. The respondent herein undertakes to not to prefer any complaint or case before any Judicial body or forum or Court against the petitioner or his family members.

4. The petitioner hereby agreed to return all the articles which are in his custody which belongs to the respondent herein.

5. Both parties should scrupulously adhere to the terms and conditions."

6. In terms of the settlement arrived at between the parties, which is recorded under the Mediation Agreement, dated 26.08.2015 in terms of the Mediation Report, dated 26.08.2015 before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, this petition is disposed of, recording the terms of the Mediation

Agreement, dated 26.08.2015. The terms of the Mediation Agreement and the Mediation Report, dated 26.08.2015 of the Mediation Centre shall form part of this order. Consequently, the connected miscellaneous petition is closed.

7. Today, parties are also present before this Court and the respondent submitted that she has already received a sum of Rs.1,00,000/- from the petitioner. Whereas the petitioner would submit that the balance amount of Rs.7,00,000/- [Rupees seven lakhs only] is also ready by way of Demand Draft. He would further submit that before the Family Court the matter is passed over today and as soon as the matter is taken up, the same will be settled.

8. In view of the settlement arrived at between the parties, as a token of appreciation, the petitioner and the respondent volunteered to pay a sum of Rs.5,000/- [Rupees five thousand only] each to the Mediation and Conciliation Centre, High Court, Madras and the same shall be paid today itself before the Mediation Centre.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vj2

To

1. The III Additional Judge,
Family Court, Chennai
2. The V Metropolitan Magistrate,
Egmore (At present of Moore Market Building)
3. The Assistant Registrar,
Mediation and Conciliation Centre,
High Court, Madras.

+1cc to Mr.T.C.S.Rajachockalingam, Advocate, S.R.No.47869
+1cc to Mr.G.Krishnamoorthy, Advocate, S.R.No.47813

TR CMP.No.408 of 2015

AK(CO)
CA(25/09/2015)