

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

C.M.A.No.2536 of 2014
and
M.P.No.1 of 2014

V.Madhumitha ... Appellant

vs.

V.Vidhyadhar ...Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1986 against the judgment and order dated 13.06.2014 in H.M.O.P.No.310 of 2012 on the file of the Family Court, Coimbatore.

For Appellant : Mr.M.Santhanaraman

For Respondent : Mr.Mohideen Pitchai

J U D G M E N T

(Judgment of the Court was delivered by K.RAVICHANDRABAABU,J.)

This appeal is filed challenging the order passed by the Family Court, Coimbatore in H.M.O.P.No.310 of 2012 granting the decree of dissolution of marriage between the parties.

2. The appellant is the wife and the respondent is the husband. During the pendency of this appeal, the parties have entered into compromise and a Joint Memorandum of Compromise dated 14.04.2016, signed by both the parties as well as their respective counsels, is filed today, before this Court. On being satisfied with the Joint Memorandum of the Compromise filed by the parties, this Court permits them to enter into compromise. The terms of the compromise reads as follows:

"1. The marriage between the petitioner and the respondent was solemnized on 18.02.2010 at Venkatalakshmi Kalyana Mandapam, Singanallur, Coimbatore, according to Hindu rites and customs.

2. After marriage both the spouses lived together at Coimbatore. Due to difference of opinions as well as incompatibility they are living separately since June, 2010. There are no issues out of the wed lock.

3. The respondent filed H.M.O.P.No.310 of 2012 on the file of the Family Court, Coimbatore against the petitioner for divorce under Section 13(1-a) of the Hindu Marriage Act and a decree of divorce was granted by the order dated 13.06.2014.

4. Aggrieved over the said decree of divorce, the petitioner has filed the above C.M.A.No.2536 of 2014 on the file of this Hon'ble Court and it is still pending.

5. The Petitioner and the Respondent have mutually discussed the matter in the presence of Family Elders and settled the matter amicably amongst them.

6. The parties herein agrees to confirm the decree of divorce granted by Family Court, Coimbatore by the order dated 13.06.2014.

7. The respondent shall pay a total sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the petitioner as full and final settlement towards all previous, present, future claims and entitlements.

8. The Petitioner agreed to receive a sum of Rs.20,00,000/- by D.D.No.436390 (Rs.8,00,000/-) and D.D.No.436391 (Rs.12,00,000/-) dated 03.03.2016 of Indian Bank, Tiruninravur as full quit towards permanent alimony.

9. The parties undertake that they shall not make any other claim against each other in future either monetarily or otherwise.

10. The parties herein state that there is no collusion between them in presenting this Joint Memorandum of Compromise."

3. Today, the parties are present before this Court along with their respective counsels. It is stated that as per the terms of the compromise, a sum of Rs.20,00,000/- by way of two demand drafts referred to in Clause 8 of the terms of the memorandum of compromise as stated supra has been paid to the appellant/wife today and she has also received the same. The said statement is recorded apart from the memorandum of compromise as stated supra.

4. Considering the above stated facts and circumstances and in view of the Joint Memorandum of Compromise filed by the respective parties, the Civil Miscellaneous Appeal is disposed of in terms of Joint Memorandum of Compromise. The Joint Memorandum of Compromise shall form part of the record. Consequently, connected miscellaneous petition is closed. No costs.

vsi

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Family Court,
Coimbatore.

+ 1 cc to M/s.M.Mohideen Pichai, Advocate SR 24284

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C.M.A.No.2536 of 2014
and
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