

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2016

CORAM

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 1227 of 2010

1. Indira @ Indirani
2. Minor. Vignesh
3. Minor. Iswarya

(Petitioners 2 and 3 are represented by
Mother and natural guardian
1st Petitioner)

All are residing at Door No.3/747

Kattoor, P. Nattanmayaleen Post

Kondalampatti Via., Salem

... Petitioners

Versus

M. Narayanasamy

... Respondent

Criminal Revision Case filed under Section 397 read with Section 401 of Cr.P.C. praying to set aside the order dated 27.10.2009 passed by the Family Court, Salem in M.C. No. 57 of 2007 in so far as the payment of the maintenance to the petitioners are concerned and by suitably revising the enhanced maintenance allowance to all the three petitioners @ Rs.4,000/-, Rs.3,000/- and Rs.3,000/- respectively.

For Petitioners : M/s. S. Arunachalam Associates
For Respondent : Mr. S. Palaniselvaraj

ORDER

This Criminal Revision Case was referred to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras to explore the possibility of a settlement of the dispute between the parties.

2. A communication dated 27.01.2016 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 05.01.2016 has been received, wherein it is stated as follows:-

"Both the parties and their counsel present.
The parties have settled the matter amicably as per the terms cited in the Mediation Agreement dated 22.12.2015, which is enclosed herewith. Hence, the matter is placed before the Honourable Court."

<https://hcservices.ecourts.gov.in/hcservices/>

3. As per the Mediation report dated 05.01.2016, the matter has been amicably settled between the petitioners and

the respondent and the terms of settlement has been duly recorded in the Mediation agreement dated 22.12.2015, which 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 first petitioner and the respondent have agreed to separate themselves from the matrimonial tie by dissolving their marriage dated 07.02.1990 by mutual consent, and for which purpose, the first petitioner shall have no objection in allowing the C.M.S.A. No. 4 of 2010 filed by the respondent against the Judgment and Decree dated 10.07.2009 passed in C.M.A. No. 67 of 2008, on the file of Additional District Court cum Fast Track Court No.1, Salem, which reversed the order granting divorce filed at the instance of the respondent in H.M.O.P. No. 32 of 2006, on the file of Sub-Court, Mettur

2. The respondent has withdrawn the allegation made in the H.M.O.P. No. 32 of 2006 on the file of Sub-Court, Mettur.

3. In view of marriage agreed to be dissolved as above, the respondent has agreed to pay totally a sum of Rs.7,75,000/- (Rupees Seven Lakhs Seventy Five Thousand Only) by way of permanent alimony to the first petitioner and accordingly has paid on the date of execution of this MOU the sum of Rs.5,00,000/- (Rupees Five Lakhs Only) by way of demand draft dated 15.10.2015, bearing No.198428, drawn on Indian Bank, Mettur Dam Branch, in favour of the first petitioner and the first petitioner has received and acknowledged the same under this MOU

4. Whereas the respondent shall pay the balance Rs.2,75,000/- (Rupees Two Lakhs Seventy Five Thousand Only) within a fortnight from the date of execution of this MOU, which amount also shall be by way of Demand Draft dated 12.10.2015 bearing No.302291 on Indian Bank, Mettur Branch favouring the 1st Petitioner. The first petitioner shall not claim any amount in any manner whatsoever by way of permanent alimony or any other claim from the respondent, having received DDS for Rs.7,75,000/- as above.

5. The respondent shall file a petition for return of documents including the title deed in respect of the Sale deed dated 30.05.1996 executed by (1) Mr. P. Chinna Thangam & (2) Mr. M. Kuppusamy in favour of Mrs. N. Indira, registered as document No.719 of 1996, at SRO, Jalakandapuram, in C.M.S.A. No. 4 of 2010, and shall handover the same to the first petitioner under proper receipt immediately after the disposal of C.M.S.A. No. 4 of 2010.

6. The respondent agrees and undertakes to conduct the marriage of the two daughters namely 1) N. Nithya and 2) N. Iswarya at his expenses.

7. The 1st Petitioner shall bear expenses of the marriage of the son Mr. N. Vignesh

8. The 1st petitioner shall bring up and take care of the second daughter namely N. Iswarya till her marriage.

9. The respondent shall continue to pay the sum of Rs.500/- (Rupees Five Hundred Only) per month and by way of maintenance to his daughter N. Iswarya till her marriage.

10. In view of the fact that the second and third petitioners have attained majority on 12.05.2013 and 31.10.2015 respectively, they also agree to sign the settlement as parties to the proceedings in CrI.R.C. No. 1227 of 2010

11. The first petitioner and the respondent have agreed to withdraw all the other cases including Criminal cases filed between the parties herein without any other conditions or claim.

12. Both the 1st Petitioner and the respondent have agreed that they have no further claim as against each other."

4. The Mediation agreement has been duly signed by the petitioner, respondent, their three minor children and their respective counsel. Having regard to the fact that the petitioner as well as the respondent have settled their matrimonial dispute amicably, in terms of the settlement arrived at between them, which is recorded under the Mediation Agreement by the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras in its Report dated 22.12.2015, this Criminal Revision Case is disposed of. The Mediation Agreement and the report of the Mediation Centre shall form part of this order.

sd/-

Assistant Registrar(Cs-VI)

/TRUE COPY/

Sub-Assistant Registrar

rsh

To,

1.The Judge,
Family Court, Salem

2.The Public Prosecutor,
High Court, Madras

+1 CC to MR.S.Palaniselvaraj Advocate. SR.NO. 5463