



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2016

CORAM:

**THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN**

and

**THE HONOURABLE MS. JUSTICE V.M. VELUMANI**

C.M.A. (MD) Nos. 722 and 723 of 2016

J. Thiruvengatapurabhu ... Appellant/Petitioner in both CMAs

Vs

M. Latha ... Respondent/Respondent in both CMAs

The Civil Miscellaneous Appeals filed under Section 19(1) Family Court Act against the fair order and decretal orders dated 29.01.2016 made in H.M.O.P. Nos. 18 and 19 of 2014 on the file of the Judge, Family Court, Madurai.

For Appellant : Mr. K. Guhan

For Respondent : Mr. V. Omprakash

**COMMON JUDGMENT**

[Judgment of the Court was delivered by **M. SATHYANARAYANAN, J.**]

Aggrieved by the order of dismissal of divorce and also the order for restitution of conjugal rights, dated 29.01.2016, passed by the Family Court, Madurai, the appellant, who is the husband of the respondent herein, has filed the appeals.

2. Notice was ordered to the respondent on 01.08.2016. During the pendency of the appeals, the matters were referred to the Tamil Nadu Conciliation Centre, Madurai, to find out the possibility of an amicable settlement/solution between the parties and accordingly, the matter was settled amicably between them on 01.09.2016. The relevant portion found in the Mediation Report, dated 01.09.2016, is usefully extracted below:-

"The appellant and the respondent have settled the matter amicably on the following Terms and Conditions:-

a) The respondent has agreed to submit for divorce in this Matter.

b) The Respondent has agreed to receive the maintenance amount of Rs. 16,00,000/- (Rupees Sixteen Lakhs only) as full and final settlement of

Maintenance amount and the appellant has paid the said amount under the following Demand Draft bearing Nos. as



| D.D.No | Bank                       | Dated   | Amount          |
|--------|----------------------------|---------|-----------------|
| 266281 | Canara Bank, Thevaram      | 11.8.16 | Rs.1,50,000.00  |
| 440408 | Indian Bank, Thevaram      | 12.8.16 | Rs.1,50,000.00  |
| 243414 | Lakshmi Vilas Bank, Cumbam | 12.8.16 | Rs.3,00,000.00  |
| 440409 | Indian Bank, Thevaram      | 16.8.16 | Rs.3,00,000.00  |
| 440410 | Indian Bank, Thevaram      | 16.8.16 | Rs.3,00,000.00  |
| 214398 | Lakshmi Vilas Bank, Bodi   | 16.8.16 | Rs.4,00,000.00  |
|        | Total                      |         | Rs.16,00,000.00 |

c) The respondent had already received her Sreedhana Articles, Jewels, Household Articles and Utensils from the appellant and the appellant also received his jewels from the respondent which was given at the time of marriage on 23.8.16 before the Mediation centre attached to the District Court Campus, Madurai.

d) The Respondent has agreed to withdraw the case in M.C.No.13 of 2015 on the file of the Additional Mahila Court (Judicial Magistrate, Madurai) The Respondent has agreed to withdraw the Criminal Complaint filed by her in Crime No.121/2015 dated 22.9.2015 on the file of All Women Police Station, Melur Madurai District.

e) The Respondent has agreed to withdraw the Criminal Complaint filed by her in Crime No.121/2015 dated 22.9.2015 on the file of All Women Police Station, Melur Madurai District

f) The Respondent is hereby received the above said Demand Drafts specified in Column B for Rs.16,00,000/- (Rs.Sixteen Lakhs) today i.e.1.9.2016 from the Appellant in the presence of the Mediator and the counsels of the both parties."



3. Learned Counsel for the appellant would submit that since the matters are amicably resolved and the amount has already been paid by the appellant, there cannot be any impediment for allowing the Civil Miscellaneous Appeals.

4. Learned counsel for the respondent would submit that in terms of Clause(d) of the Mediation Report dated 01.09.2016, the respondent herein has already withdrawn the Criminal Complaint dated 22.09.2015 made in Crime No.121/2015 on the file of the All Women Police Station, Melur, Madurai District.

5. In the light of the submissions made by the respective counsel and in view of the settlement arrived at between the parties, both the Civil Miscellaneous Appeals are allowed and the orders of the Court below made in H.M.O.P.Nos.18 and 19 of 2014 on the file of the Judge, Family Court, Madurai, dated 29.01.2016 stand set aside. The Mediation Report, dated 01.09.2016, shall form part of the record of this order. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

The Judge,  
Family Court,  
Madurai.

Copy to :

The Section Officer,  
VR Section / Records,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.V.Omprakash, Advocate in SR No.51591  
+2cc to Mr.K.Guhan, Advocate in SR Nos. 51361 & 51362

C.M.A. (MD) Nos.722 and 723 of 2016  
09.09.2016

SSM

ANR/CK/SAR1/02.11.2016/3P/6C