

IN THE JUDICATE OF MADRAS HIGH COURT

DATE : 04.08.2017

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THE HON'BLE MR.JUSTICE R.SUBBIAH

and

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.M.A.No.1204 of 2017

and

C.M.P.No.6088 of 2017

Rajmohan

... Appellant

Vs.

Mrs.Sandhya

... Respondent

Civil Miscellaneous Appeal has been filed under Section 19 of Family Court Act against the order dated 11.01.2017 in I.A.No.2216 of 2015 in H.M.O.P.No.1407 of 2015 passed by the Principal Family Court, Chennai.

Appearance

Mr.A.Vivekanandhan - for Appellant

Mr.V.Chandrakanthan - for Respondent

JUDGMENT

(Judgment of the Court was delivered by R.SUBBIAH, J.,)

This appeal has been filed as against the order dated 11.01.2017 passed by the Principal Family Court at Chennai in I.A.No.2216 of 2015 in H.M.O.P.No.1407 of 2015, in and by which the appellant was directed to pay interim maintenance to the respondent at the rate of Rs.15,000/- per month and also to a pay sum of Rs.5,000/- towards litigation expenses.

2.The appellant herein is the husband and the respondent herein is the wife.

3.Today, when the appeal is taken up for consideration, the learned counsel on either side represented that amicable compromise has been arrived at between the parties and they filed a joint memo of compromise, dated 30.07.2017, duly signed by both the appellant/husband and the respondent/wife. Under

the said compromise, the respondent/wife agreed to receive Rs.10,000/- per month as interim maintenance instead of Rs.15,000/- per month, besides Rs.5,000/- towards litigation expenses. The relevant portion in the joint memo of compromise reads as follows_

"5.The appellant herein (husband) agreed that he will pay a sum of Rs.10,000/- per month towards interim maintenance to the respondent herein (wife) instead of Rs.15,000/- ordered by the Family Court, Chennai along with litigation expenses a sum of Rs.5,000/-. The appellant agreed that he shall continue to pay the same.

6.The appellant and the respondent state that as on the date, the appellant has to pay the agreed monthly maintenance arrears from 18.12.2015 to 18.07.2017 for about 18 months in all sum of Rs.1,80,000/- (18 months X 10,000/-). The appellant agreed to pay the same within four weeks from the date of order passed by this Court.

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8.The appellant and respondent state that the appellant and the respondent have mutually agreed to co-operate for the disposal of the petition in H.M.O.P.No.1407 of 2015 and H.M.O.P.No.1552 of 2016."

4.The Joint Memo of Compromise is recorded. In view of the compromise, the Civil Miscellaneous Appeal is disposed of in terms of Joint memo of Compromise. The Court below is directed to dispose of the petitions in H.M.O.P.No.1407 of 2015 and H.M.O.P.No.1552 of 2016, on merits, within a period of three months from the date of receipt of a copy of this order. The joint Memo of Compromise shall form part of the order.

Connected Miscellaneous Petition is closed. No costs.

(Xerox copy of Memo of Compromised Attached)

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssv

To,

The Principal Family Court,
Chennai.

+1cc to Mr.A.Vivekanandhan, Advocate, S.R.No.56030
+1cc to Mr.V.Chandrakanthan , Advocate, S.R.No.56011

C.M.A.No.1204 of 2017
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CS/01/11/17



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