

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.04.2017

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH
and
THE HONOURABLE MR. JUSTICE B.GOKULDAS

C.M.A.No.1208 of 2016
and CMP.No.9138 of 2016

U.Ganesh .. Petitioner/Appellant

Vs

Kavitha ..Respondent/Respondent

Prayer: Appeal filed under Section 19 of the Family Courts Act, against the fair and decreetal order of the learned Principal Judge, Family Court, Chennai made in O.P.No.1 of 2010 dated 10.03.2016.

For Appellant : Mr.F.Najimudeen

For Respondent : Mrs.Bala Natarajan

J U D G M E N T

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

Today, when the matter came taken up for hearing, the appellant and respondent and their respective counsels are present.

2.This appeal has been preferred by the appellant/husband against the order of dismissal of Divorce petition filed by him by the learned Principal Judge, Family Court, Chennai in O.P. No. 1 of 2010 dated 10.03.2016.

3.Pending appeal, the parties have entered into a compromise. Both the parties have mutually agreed to dissolve their marriage and for grant of divorce. Pursuant to that, a Joint Memo of Compromise has been filed by the parties and the same has been recorded. The Joint memo of compromise arrived at, by the parties is reads as under:

"a)The Petitioner and the respondent hereby mutually agree to dissolve their marriage dated 05.09.2005, in terms of the following Memo of Compromise.

b)The Respondent hereby declares that she has no claims, complaints or grievances of any sort, against the petitioner and his family members in view of the above said Joint Memo of Compromise and she hereby withdraws all claims, complaints and grievances including monetary claims, jewellery claims etc., made against the petitioner and his family members and she will not pursue the same, any further in any manner whatsoever either directly or indirectly.

c)The Petitioner and his family members hereby declare that they have no claims, complaints or grievances of any sort against the Respondent in view of the above said Joint Memo of Compromise. The Petitioner and his family members hereby withdraw all claims, jewellery claims etc., made against the respondent and her family members and they will not pursue the same any further in any manner whatsoever either directly or indirectly.

d)It is after due compliance of all the above said terms and clauses the Petitioner and the respondent at their option duly record the dissolution of marriage made through in the above proceedings before this Hon'ble Court, as proof of Authentication for said Dissolution of Marriage.

e)The Petitioner herein gives up his visitation Rights of his ward, the minor child Sai Sharad and gives his consent for permanent custodianship and guardianship of his ward to the Respondent as per her request. The Respondent herein agrees that she has no claims, or maintenance, grievances of any sort regarding her ward permanently and her family members also will not pursue the same any further in any manner whatsoever either directly or indirectly. Similarly the petitioner/appellant or his family members will not interfere with the respondent with regard to the issues relating to their ward and the respondent is at liberty to look after and maintain their minor son Sai

f)The Petitioner and the Respondent herein have mutually agreed and given their consent herein to record this Joint Memo of Compromise in the above proceedings before this Hon'ble

Court and they under take to abide by the same, in order to settle the matrimonial dispute subsisting between them amicably.

The Petitioner and the respondent further agree that neither of them will interfere with the personal life of the other once the order of divorce is obtained and that there will not be any sort of harassment between the families of the parties herein with respect to the matrimonial or other issues of the parties herein."

4. In view of the joint memo of compromise entered into between the parties, a decree of divorce is granted by dissolving the marriage that took place between the appellant and the respondent on 05.09.2005. Joint memo of compromise shall form part of the decree.

5. In terms of the memo of compromise, the Civil Miscellaneous Appeal is allowed. Consequently, connected Miscellaneous Petition is also closed. No costs.

*The Xerox copy of the Memo of Compromise is enclosed

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

The Principal Judge,
Family Court,
Chennai.

+2cc to Mr.F.Najimudeen, Advocate Sr.22056
+1cc to Mr.Bala Natarajan, Advocate Sr.22060

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