

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.01.2017

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.M.A.No.1266 of 2014
and
M.P.No.1 of 2014
and
C.M.A.No.1267 of 2014

T.Saravanan ... Appellant in both Appeals/
Respondent/Petitioner

- Vs -

A.Priya ... Respondent in both Appeals/
Petitioner/Respondent

Prayer : Civil Miscellaneous Appeals are filed Under Section 19 of Family Court Act, to set aside the common fair and decretal order dated 18.10.2013 and made in F.C.O.P.Nos.48 of 2011 and 165 of 2009 respectively, on the file of the Family Court, Salem.

For Appellant : Mr.G.Muthukumar
in both CMAs

For Respondent : Mr.I.C.Vasudevan
in both CMAs

JUDGMENT

(Judgment of the Court was made by M.JAICHANDREN, J.,)

Heard the learned counsel appearing on behalf of the parties concerned.

2. At the stage of the hearing of the Civil Miscellaneous Appeals, this Court had sent the matter to the Tamil Nadu Mediation and Conciliation Centre, High Court of Madras, Chennai, for attempting an amicable settlement between the parties concerned, by its order, dated 19.12.2016.

3. The Mediation Report, dated 22.12.2016, had been filed before this Court, stating that the parties concerned had settled the matter, amicably. The Mediation Report, dated 22.12.2016, containing the terms and conditions of the settlement 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 Appellant as per the compromise memo between both parties, the parties have arrived for compromise of Rs.20,00,000/- (Rupees Twenty Lakhs only) as full and final settlement to the Respondent/Wife and her minor son namely S.Rakhul Prakaash.

2) As per the Compromise Memo, the Appellant herein already paid Rs.10,00,000/- (Rupees Ten Lakhs only) in the name of Minor son S.Rakhul Prakaash by way of Demand Draft No.902107 dated 24.10.2016 drawn by SBI, Salem, before the maintenance case in M.C.No.171/2015 and the Appellant also handed over original LIC Policy of S.Rakhul Prakaash for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the Respondent/Wife and the Appellant/Husband undertakes to pay all future installments towards LIC Policy vide Policy No.703329425 dated 19.08.2011 in the name of Minor son S.Rakhul Prakaash. Further the Appellant undertake to pay all future Premium/Installments till maturity of the LIC Policy.

3) The Appellant herein now pay the balance sum of Rs.10,00,000/- (Rupees Ten Lakhs only) before the Mediation Centre, Madras High Court on 22/12/2016 by way of Two Demand Draft Nos.902209 and 902511 for a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) and Rs.2,00,000/- (Rupees Two Lakhs only) dated 04.11.2016 and 19.12.2016 respectively drawn by SBI, Salem.

4) Both parties agreed that they will not any claim against each other in future.

5) The Respondent hereby agrees that she will withdraw the Maintenance Case which is pending on the file of The Additional Family Court, Coimbatore in M.C.No.171/2015 against the Appellant/Husband.

6) The Appellant/Husband have no objection for custody of child permanently with Respondent/Wife.

7) The Appellant/Husband have no objection in allowing Guardian O.P. in GWOP No.1198/2016 pending on the file of Additional Family Court, Coimbatore.

8) Both parties agreed that the CMA No.1267/2014 for divorce may be allowed and CMA No.1266/2014

regarding restitution of conjugal rights may be allowed by the Hon'ble High Court.'

4. In view of the agreement arrived at between the parties concerned, before the Tamil Nadu Mediation and Conciliation Centre, High Court of Madras, Chennai, the above Civil Miscellaneous Appeals stand allowed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssn

To

The Family Court,
Salem.

+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.2688

+4cc's to Mr.G.Muthukumar, Advocate, S.R.Nos.2951 & 2950

C.M.A.No.1266 of 2014
and
M.P.No.1 of 2014
and
C.M.A.No.1267 of 2014

NM(CO)
CA(27/02/2017)

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