

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH
and

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Civil Miscellaneous Appeal No. 1708 of 2016
&
CMP.No.13676 of 2016

N. Kalaiselvan .. Appellant/Petitioner

Versus

S. Angalaparameswari .. Respondent/Respondent

Appeal filed under Section 19 of the Family Courts Act, 1984 against the Judgment and Decree dated 20.10.2015 made in FCOP No. 160 of 2011 on the file of Family Court, Salem

For Appellant : Mr. P. Jagadeesan
For Respondent : No Appearance

JUDGMENT

(JUDGMENT OF THE COURT WAS DELIVERED BY R. SUBBIAH, J)

This appeal is filed as against the Judgment and Decree dated 20.10.2015 passed in F.C.O.P. No. 160 of 2011 on the file of Family Court, Salem.

2. The appellant is the husband and the respondent is the wife. The appellant herein has filed the aforesaid FCOP No. 160 of 2011 before the Family Court, Salem praying for dissolution of the marriage dated 18.04.2010 solemnised between the appellant and the respondent, on the ground of cruelty. After considering the oral and documentary evidence, the Family Court, Salem, by Judgment dated 20.10.2015, granted a decree of divorce with a direction to the appellant herein to pay to the respondent permanent alimony of Rs.8,16,000/- after deducting the sum of Rs.2,00,000/- already paid by him. As against the aforesaid Judgment and decree dated 20.10.2015, the appellant has filed the present appeal.

3. Today, when the appeal is taken up for hearing, the learned counsel for both sides submits that the appellant and the respondent have entered into a settlement to resolve the

differences between them and it was also reduced into writing by way of a Joint Compromise Memo.

4. We have perused the Joint Compromise Memo dated 05.06.2017 duly signed by the appellant, respondent and their respective counsel. As per the compromise memo, the respondent agreed to receive from the appellant the sum of Rs.5,00,000/- (Rupees Five Lakhs Only) towards permanent alimony in full quit. It was further agreed that the appellant had already paid a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the respondent by way of a Demand Draft bearing No. 250276 dated 31.01.2017 drawn on State Bank of India, Attayampatty Branch, Salem, the receipt of which has been acknowledged by the respondent. As per clause 3 of the Joint Memo of Compromise, the appellant has paid a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) by way of a demand draft No.736450 dated 29.05.2017 drawn on State Bank of India, Attayampatty Branch, Salem, the receipt of which is also acknowledged by the respondent. Thus, as per the Joint Memo of Compromise, both the appellant and the respondent have agreed that they have no claim against each other either towards past or future maintenance. Further, as per clause 6 of the Joint Memo of Compromise, the appellant undertook to return the articles of the respondent as per clause 3 of the decree in FCOP No. 160 of 2011. Therefore, counsel for both sides prayed this Court to confirm the decree of divorce passed by the court below in terms of the Joint Memo of Compromise entered into between the appellant and the respondent on 05.06.2017.

5. Having regard to the fact that the appellant and the respondent have settled the dispute between them and it was also reduced in the form of a Joint Memo of Compromise dated 05.06.2017, we are inclined to confirm the decree of divorce granted by the Court below on 20.10.2015 in FCOP No. 160 of 2011 in terms of the Joint Memo of Compromise dated 05.06.2017.

6. Accordingly, the Order dated 20.10.2015 passed in FCOP No. 160 of 2011 on the file of the Family Court, Salem is confirmed. The Civil Miscellaneous Appeal is disposed of in terms of the Joint Memo of Compromise dated 05.06.2017. No costs. Consequently, connected CMP No. 13676 of 2016 is closed. The Joint Memo of Compromise dated 05.06.2017 shall form part of the records.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rsh

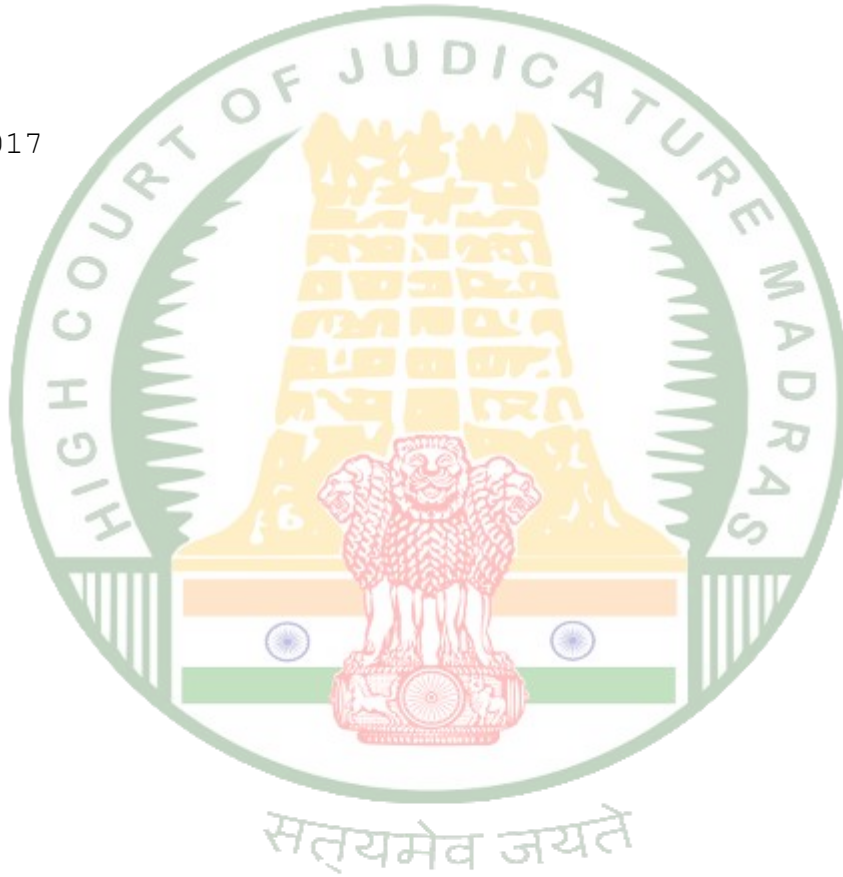
To

1.The Presiding Officer
Family Court
Salem

+1 cc to M/s.P.Jagadeesan Advocate sr 40331

CMA No. 1708 of 2016

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