

In the High Court of Judicature at Madras
Dated : 07.09.2017
Coram
The Hon'ble Mr.Justice R.SUBBIAH
and
The Hon'ble Mr.Justice A.D.JAGADISH CHANDIRA

C.M.A.No.463 of 2016

Jeganraj

..Appellant/Petitioner

..vs..

Jansirani

..Respondent/Respondent

Civil Miscellaneous Appeal has been filed under Section 19 of the Family Courts Act, against the order dated 04.02.2016 passed by the Family Court, Villupuram in H.M.O.P.No.44 of 2014.

For Appellant : Mr.N.Suresh
For Respondent : Mr.M.Devaraj

JUDGMENT

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

Originally, the appellant - husband has filed a petition in H.M.O.P.No.44 of 2014 against the respondent - wife under Section 13(1)(i-a) of the Hindu Marriage Act, seeking dissolution of their marriage that held on 06.02.2011, on the ground of cruelty. The learned Family Judge, Villupuram, by order dated 04.02.2016, dismissed the said petition, against which, the present appeal came to be filed by the appellant - husband.

2.On 20.04.2017, when the appeal was taken up for consideration, at the request of the learned counsels appearing on either side, it was referred to the Tamil Nadu Mediation and Conciliation Centre attached to this Court, to arrive at a settlement between the parties.

3.Accordingly, the parties along with their respective counsel, appeared before the Mediators on 28.04.2017 and they have settled the matter between them, as per the terms mentioned in a Joint Memo of Compromise dated 28.07.2017, which is evident from the mediation report dated 28.07.2017 sent by the Tamil Nadu Mediation and Conciliation Centre.

4.Today, when the matter is taken up for consideration, the parties along with their respective counsel on record, are present. When we enquired the parties about the factum of settlement and the terms of the settlement, they have admitted

the same and they have mutually agreed to dissolve the marriage held between them.

5.The terms of the joint memo of compromise dated 28.07.2017 read as follows:

"Now the parties have mutually agreed to separate themselves on the following conditions:

2.That the appellant agreed to withdraw all the allegations made in the HMOP regarding cruelty and the illicit relationship and pays a sum of Rs.8,50,000/- (Rupees Eight Lakhs and Fifty Thousand Only) by way of D.D.No.829069 dated 25.07.2017 drawn on SBI, Villupuram in favour of Jansirani, the respondent herein towards the life time maintenance of the respondent herein and her minor son.

3.The respondent herein agrees to consent for divorce on the above said condition of withdrawing the allegations of cruelty and illicit relationship against her and acknowledged the receipt of the above DD towards the one time lump sum payment.

4.The parties hereby relinquish all their right in respect of the marriage held between them and will not claim any right against each other in future.

5.The above terms have been mutually agreed on the parties on their own volition and not in any coercion or instigation."

6. In view of the above, this Civil Miscellaneous Appeal is allowed and the order dated 04.02.2016 passed in HMOP.No.44 of 2014 by the Family Court, Villupuram is set aside. Consequently, the marriage between the parties that held on 06.02.2011, is hereby dissolved. The Joint memo of compromise dated 28.07.2017 signed by the parties shall form part of this decree. No costs.

Encl:Xerox copy of Compromise memo

rk

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Judge, Family Court, Villupuram.

+1cc to M/s.M.Devaraj, Advocate SR.No.64792

C.M.A.No.463 of 2016

NRI (CO)

sm:6.3.2018