

In the High Court of Judicature at Madras

Dated : 04.09.2017

Coram

The Honourable Mr.Justice R.SUBBIAH
and
The Hon'ble Mr.Justice P.VELMURUGAN

C.M.A.Nos.486 of 2016 and 1159 of 2017
and
CMP.No.4008 of 2016

CMA.No.486 of 2016

S.Venkatesan ...Appellant

...vs...

V.Sudha ...Respondent

CMA.No.1159 of 2017

V.Sudha ...Appellant

...vs...

S.Venkatesan ...Respondent

Civil Miscellaneous Appeals have been filed under Section 19 of the Family Courts Act, 1984, against the order dated 10.10.2015 passed by the I Additional Family Court, Chennai in I.A.No.950 of 2013 in O.P.No.1635 of 2010.

CMA.No.486/2016

For Appellant : Mr.S.Sathish Rajan
For Respondent : Mr.C.T.Murugappan

CMA.No.1159/2017

For Appellant : Mr.C.T.Murugappan
For Respondent : Mr.S.Sathish Rajan

COMMON JUDGMENT

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

These appeals have been filed against the order and decree dated 10.10.2015 passed by the I Additional Family Court,

Chennai in I.A.No.950 of 2013 in O.P.No.1635 of 2010, awarding a sum of Rs.10,000/- per month towards interim maintenance from the date of the petition and directing the husband to pay the interim maintenance on or before 5th of every English Calendar month to the wife.

2. Challenging the order awarding the interim maintenance to the wife, the husband has filed the appeal in CMA.No.486/2016 to set aside the same, whereas, the wife has preferred the appeal in CMA.No.1159/2017, on the ground that the quantum of interim maintenance awarded by the Family Court is not sufficient to meet out the expenses of herself as well as two minor children.

3. Since both the appeals are arising out of the one and the same order, they are disposed of by a common judgment.

4. Today, when the matter is taken up for consideration, the husband, who is the appellant in CMA.No.486/2016 and the respondent in CMA.No.1159/2017 and the wife, who is the appellant in CMA.No.1159/2017 and the respondent in CMA.No.486/2016 along with their respective counsel on record are present. It is submitted that they have amicably settled the dispute between them. When we enquired the parties about the factum of compromise, they have admitted the same. A joint memo of compromise dated 24.08.2017 signed by both the parties along with their respective counsel, has also been filed to that effect, the terms of which, read as follows:

"1.That the parties above named have agreed to file necessary application before the Family Court at Chennai to dissolve their marriage by a decree of divorce by mutual consent.

2.That the husband, the appellant/ respondent herein agrees to pay a sum of Rs.30,00,000/- (Rupees Thirty lakhs only) as full and final settlement in the manner as stated below.

3.Out of the total agreed amount of Rs.30,00,000/-, the husband shall deposit a sum of Rs.10,00,000/- (Rupees Ten lakhs only) in a Fixed deposit in the name of his Daughter V. Keerthana at the time of filing of the application for Divorce by Mutual Consent and hand over the Fixed Deposit Receipt to the Respondent / Wife. The wife shall be the nominee to the said Fixed Deposit.

4.That the Appellant shall pay a sum of Rs.5,00,000/- to the respondent/wife by Cheque at the time of filing of the application for Divorce by Mutual Consent.

5.That out of the balance sum of Rs.15,00,000/- (Rupees Fifteen lakhs only) a sum of Rs.10,00,000/- (Rupees Ten Lakhs

Only) shall be deposited in a fixed deposit in the name of his younger daughter V. Kaviya at the time of hearing of the Mutual Consent Petition and shall hand over the Fixed Deposit Receipt to the Respondent / Wife. The wife shall be the nominee to the said Fixed Deposit.

6. That the Appellant shall pay the balance sum of Rs.5,00,000/- to the respondent / wife by Cheque at the time of hearing of the Mutual Consent Petition.

7. That the Respondent / wife and the children shall not have any further claim from the Appellant / husband towards maintenance either past, present or future.

8. That both the parties shall take possession of their respective articles, personal belongings before filing of the Petition for Divorce by Mutual Consent and the parties have no claim whatsoever against each other either past, present or future.

9. That the above said sum of Rs.30,00,000/- as detailed above shall be treated as permanent alimony and the Respondent / wife hereby gives up all her claims for maintenance, past, present and future for her and to the children and will not file any petition for maintenance either civil or criminal.

10. That the husband undertakes to withdraw O.P.No.1635/2010 pending on the file of the I Additional Court at Chennai and the Wife undertakes to withdraw the maintenance case in M.C.No.246/2014 pending on the file of I Additional Family Court at Chennai.

11. That the parties hereby withdraw all the allegations and the counter allegations made in the above said matrimonial proceedings.

12. That the wife shall retain the custody of the daughters.

It is therefore prayed that this Hon'ble Court may be pleased to record the above memo of compromise and pass further orders and thus render justice."

5.In view of the above, both these Civil Miscellaneous Appeals are disposed of, in terms of the joint memo of compromise dated 24.08.2017. The said Joint compromise memo signed by both the parties along with their respective counsel, shall form part of this judgment. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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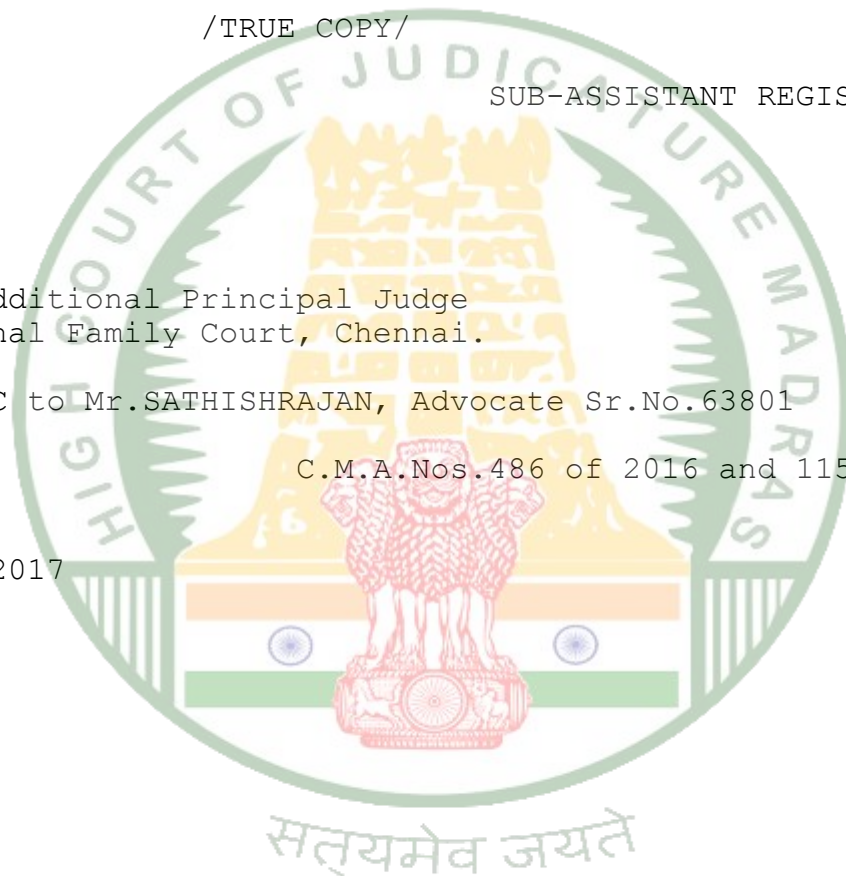
To

The 1st Additional Principal Judge
I Additional Family Court, Chennai.

+1 CC to Mr.SATHISHRAJAN, Advocate Sr.No.63801

C.M.A.Nos.486 of 2016 and 1159 of 2017

KGK (CO)
NR 27/11/2017



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