

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.M.A.No.225 of 2017

Mr.R.Manoharan Appellant

Vs.

C.Ramya Respondent

Prayer: Civil Miscellaneous Appeal has been filed under Section 19 of the Family Courts Act, against the order dated 06.07.2016 in O.P.No.3859 of 2011, passed by the learned II Additional Principal Judge, Family Court at Chennai.

For Appellant : Mr.M.Balachandar
For Respondent : Mr.S.Udaya Kumar

JUDGMENT

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

The appeal has been filed challenging the order dated 06.07.2016 passed by the learned II Additional Principal Judge, Family Court, Chennai, dismissing the petition in O.P.No.3859/2011 filed by the appellant for divorce under Section 13(1)(i-a) of the Hindu Marriage Act, 1955.

2.Today, when the appeal is taken up for consideration, a memo of compromise dated 21.04.2017, signed by both the parties, has been filed by both sides stating that an amicable settlement has been arrived at between the parties and the appellant has agreed to pay a sum of Rs.10 lakhs each to the respondent and the minor daughter M.Rakshnana; that the respondent agreed to give consent for the divorce. Further, on 20.04.2017, the appellant has given a Demand Draft for Rs.5 lakhs bearing No.000225, dated 13.04.2017 drawn on Axis Bank, to the respondent towards part payment of the alimony. The appellant has further agreed to pay the balance of Rs.5 lakhs towards alimony to the respondent and Rs.10 lakhs for the minor child

within a period of six months from 21.04.2017. The relevant portions in the Memo of Compromise are extracted hereunder_

"(1) to (5)

(6) It is submitted that the respondent shall not claim any further alimony or maintenance for the past, present and future, other than the sum of Rs.10,00,000/- already agreed by the respondent.

(7) It is submitted that the respondent shall not claim any further maintenance for the minor child for the past, present and future, other than the sum of Rs.10,00,000/- already agreed by the respondent.

(8) It is submitted that the appellant has filed Crl.R.C.No.141/2017 before the Hon'ble High Court, Madras challenging the order of maintenance granted to the respondent and the minor child and the same shall be withdrawn by the appellant and the respondent shall not claim any maintenance amount as ordered in M.C.No.461 of 2011 on the file of the II Family Court, Chennai. The respondent and the minor daughter shall give up their rights of maintenance passed in M.C.No.461 of 2011 on the file of the II Family Court, Chennai in view of the lump sum amount agreed to receive under this Memo of Compromise.

(9) It is submitted that the respondent shall not claim any jewels from the appellant that has been ordered to be returned by the appellant in I.A.No.853/2012 in O.P.No.3859/2011, dated 06.07.2016 on the file of the II Family Court, Chennai.

(10) It is submitted that the parties have agreed to file petition for divorce by mutual consent before the Hon'ble Family Court, Chennai incorporating all the conditions mentioned in the Memo of Compromise.

(11) It is submitted that the parties shall not have any other claim against each other."

3. Recording the Memo of Compromise filed by the parties, this Court passes the following order_

In the even of a petition being filed by the appellant under the Hindu Marriage Act before the Family Court on the ground of Mutual consent for divorce, the Family Court is directed to ensure, before passing the order in the petition, that the terms

of the Memorandum of Compromise have been duly complied with by both the appellant and the respondent.

With the above observations, this Civil Miscellaneous Appeal is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssv

To,

The II Additional Principal Judge,
Family Court, Chennai.

+1cc to Mr.S.Udhayakumar, Advocate, S.R.No.24761

+1cc to Mr.K.Bhawatharini, Advocate, S.R.No.25185

C.M.A.No.225 of 2017

KS (CO)
RS (15/05/2017)



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