

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services
Committee

Friday, the 10th day of February 2017

LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act,
1987)

Presided over by

The Hon'ble Mr. JUSTICE MALAISUBRAMANIAN (Retd.)
and

Members

- 1) Mr. Kanagasabapathy
- 2) Mr. V. Karthikeyan

CRL.R.C.No.1511 of 2011, C.M.A.No.1261 of 2015,
C.M.A.No.1262 of 2015, C.R.P.No.3888 of 2011
and M.P.Nos.1 & 1/2011

CRL.R.C.No.1511 of 2011

(Criminal Revision Petition as against the order in
C.M.P.4505 of 2011 in C.M.P.No.1572 of 2011 on the file of
Judicial Magistrate No.III, Salem dated 29.08.2011)

Mr. Balamurugan .. Petitioner

Mrs. Sumathi .. Respondent

C.M.A.No.1261 of 2015

(Appeal against the Judgment and decree in
FCOP.No.303/2012, on the file of the Family Court, Salem,
dated 13.04.2015)

Mr.Y.S. Balamurugan .. Respondent / Appellant

Mrs.S.Sumathi .. Petitioner / Respondent

C.M.A.No.1262 of 2015

(Appeal against the judgment and decree in
FCOP.No.43/2010, on the file of the Family Court, Salem, dated
13.04.2015)

Mr.Y.S. Balamurugan .. Petitioner / Appellant
Vs.
Mrs.S.Sumathi .. Respondent / Respondent
C.R.P.No.3888 of 2011

(Civil Revision Petition against the Judgment and decree of the Court of the Family Court, Salem in I.A.No.70/2011 in FCOP.No.43/2010 dated 08.07.2011)

Mr.Y.S. Balamurugan .. Petitioner
Vs.

1)Mrs.Sumathi
2)Minor B. Oviya
through her guardian Sumathi .. Respondents

These cases came up for settlement before the Lok Adalat. Both the parties are present. Mr. Sachin Vijay for M/s.V. Raghavachari, Advocate for the petitioner(in all the matters), Mr. B. Vasudevan, Advocate for the respondent (in Crl.R.C.1511/2011 and CRP.No.3888/2011), Mr. T.M. Hariharan, Advocate for the respondent (in CMA.Nos.1261 & 1262/2015).

TERMS OF SETTLEMENT

The appellant / petitioner filed F.C.O.P.No.43/2010 on the file of the Family Court, Salem praying for divorce against the respondent. The respondent filed F.C.O.P.No.303/2012 before the same court praying for Restitution of Conjugal Rights. The Family Court clubbed both petitions and passed a common order dismissing the prayer for divorce and decreeing Restitution of Conjugal Rights. Aggrieved by the orders of the Family Court the appellant has filed CMA.Nos.1261 & 1262 of 2015.

The Family Court in I.A.No.70/2011 in F.C.O.P.No.43/2010 passed an order granting Rs.25,000/- per month as Interim Maintenance to the Respondent pending disposal of the divorce petition. Side by side the respondent filed Crl.MP.1572/2011 in CMP.4504/2011 before the Learned Judicial Magistrate No.III, Salem under the Domestic Violence Act. The Learned Magistrate while disposing of the application, granted maintenance to the respondent. While granting maintenance he took into consideration the order passed by the Family Court granting Rs.25,000/- per month as Interim Maintenance. Therefore he fixed the same sum with the stipulation that there shall be only one maintenance amount.

Aggrieved by the orders of the Judicial Magistrate and the Family Court granting maintenance, the appellant/petitioner filed Crl.R.C.1511/2011 and

CRP.No.3888/2011. All the 4 matters were brought before the Lok Adalat for effecting compromise between the parties.

Reunion appears to be beyond reach and therefore the parties entered into a compromise on the following terms as per the joint memo of compromise:-

- a) That the appellant had deposited a sum of Rs.15,04,900/- by way of interim maintenance to the respondent on the file of the Family Court in I.A.70/2011 in FCOP.No.43/2010 and the respondent is entitled to withdraw the same and she shall have in addition a sum of Rs.10,00,000/- to be paid to her on the date on which the compromise is recorded by way of cheque.
- b) That the appellant shall make a long term deposit in the name of minor daughter Oviya, a sum of Rs.25,00,000 which shall be utilized for her education and marriage expenses. The mother as guardian is entitled to withdraw the interest either quarterly or half yearly as she decides.
- c) That the appellant shall have visitation right of the child on public holidays and during vacations, subject to the child wish.
- d) That the appellant is entitle to have visitation rights once in a fortnight. He can spend time with her and ensure that her progress in education is adequately safeguarded.
- e) That on attainment of majority, minor Oviya is absolutely entitled to the sum of Rs.25,00,000/-. Neither the respondent nor the appellant have any claim over the deposits.
- f) That the civil and criminal proceedings initiated by one against the other shall stand withdrawn and the parties shall not pursue and action against one another in future.
- g) That the respondent hereby withdraws the application in F.C.O.P.No.303/2012 on the file of Family Court, Salem, filed for Restitution of Conjugal Rights and consequently, the CMA.No.1262/2015 be dismissed as infructuous.
- h) That the respondent Mrs. Sumathi has no objection for a grant of decree of divorce and pray that this Hon'ble Court may be pleased to allow the Civil Miscellaneous Appeal No.1261/2015.

In view of the above compromise the Civil Miscellaneous Appeals as well as the CRP and Crl.R.C. stand disposed of as settled and consequently a decree of divorce is granted in favour of the appellant.

The joint memo of compromise filed by the parties shall form part of the decree.

Sd/-
Y.S. Balamurugan

Sd/-
Counsel for Petitioner

Sd/-
Mrs.Sumathi

Sd/-
Counsel for Respondents

This Lok Adalat award is passed in terms of the above settlement.

The full Court fee paid shall be refunded to the parties in the manner provided under Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and the Court Fees Act, 1870 as provided for under sub Sec.1 of Section 21 r/w 25 of LSA Act 1987 as amended in 1994.

(Memo of Compromise enclosed of xerox copy)

ep

Sd/-
Judge

Sd/-
Member

Sd/-
Member

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To: The parties/Advocate concerned

Copy to:

- 1.The Judicial Magistrate No.III, Salem.
- 2.The Family Court, Salem.
- 3.The Secretary, High Court Legal Services Committee, Chennai.
- 4.The Section Officer, V.R.Section, High Court, Madras.
- 5.The Section Officer, Lok Adalat Section, High Court, Madras.+3 copies

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C.M.A.No.1261 of 2015,
C.M.A.No.1262 of 2015,
C.R.P.No.3888 of 2011 &
M.P.Nos.1 & 1/2011

PA (CO)
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