

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.10.2017

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.120 of 2017
and C.M.P.No.2008 of 2017

K. Nagarajan ... Petitioner

Vs.

U. Poongodi Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.203 of 2016 pending on the file of Sub Court, Poonamalle and transfer the same to Family Court, Chennai.

For Petitioner : Mr.S.Mohan

For Respondent : Mr.A.Asokan

O R D E R

It is seen from the records that the petitioner and the respondent have entered into a Mediation Settlement Agreement and filed the Joint Memorandum of Compromise dated 21.08.2017. The petitioner and the respondent have signed in the Memorandum of Compromise and counter-signed by their respective counsels.

2. The terms of Memorandum of Compromise are recorded, which is as follows:

1. The marriage between the petitioner and the respondent was solemnized on 11.09.2000 at Rasammal Thirumana Arangam, Kamalalayam Thenkarai, Tiruvarur, according to Hindu rites and customs.

2. After marriage both the spouses lived together lastly at Menambedu, Chennai. Due to difference of opinion as well as incompatibility, they are living separately since last year. There is one daughter named N. Charumathe born to them out of the wed lock and she is now aged about 16 years.

3. The respondent filed H.M.O.P.203 of 2016 on the file of the Sub-Court, Poonamallee against the petitioner for divorce under Sec.13(1)(1-a) of the Hindu Marriage Act and the same is pending.

4. Meanwhile the petitioner has filed the above Tr.C.M.P.No.120 of 2017 on the file of this Hon'ble Court and the same was referred to the Tamil Nadu Mediation and Conciliation Centre, High Court, for mediation between parties.

5. The Petitioner and the Respondent have mutually discussed the matter in the presence of the Mediators and the Counsel on both sides and settled the matter amicably amongst them.

6. Without prejudice to the rival contentions of the parties herein, the petitioner and respondent agree to subject themselves to a decree of divorce to be recorded by this Hon'ble Court based on the mutual settlement arrived at in the presence of Mediators of the Mediation and Conciliation Centre, High Court, Chennai.

7. The petitioner has agreed to pay a total sum of Rs.10,000/- (Rupees Ten Thousand Only) per month to his daughter Ms.N.Charumathe and the respondent in the capacity as the mother and Natural Guardian of the minor Girl and also in the interest and welfare of the Minor Girl has agreed to receive the same towards maintenance to be payable till the marriage or her securing any employment whichever is earlier. The Petitioner agrees to deposit the amount every month in the Savings Bank Account to be opened in the name of Minor N.Charumathe on or before the 5th of every English Calendar Month.

8. The respondent do hereby agrees that she will not claim any Alimony from the petitioner in future.

9. The respondent agrees to hand over the Family Card in original showing the petitioner as head of the family consisting of his mother, respondent and their daughter and the Aadhaar Card in original in the name of the petitioner to him. The petitioner undertakes to file an application at the earliest before the Civil Supplies Authorities to delete the names of the respondent and daughter so that she can apply for a separate Family Card.

10. The parties herein have already exchanged all Sridhana and other Articles between themselves and shall have no claims whatsoever in nature as against each other.

11. The petitioner and his friends Mr.S.Kumar and M.Sivakumar have signed as guarantors for the Home Loan availed by the respondent in her name from the Central Bank of India, Sowcarpet Branch, Chennai-3 by agreement dated 10.06.2012. The respondent undertakes to take steps to remove/release the names of the petitioner's friends Mr.S.Kumar and M.Sivakumar from the said guarantee and provide fresh surety for the same by December 2017. The petitioner undertakes to redeem the jewels belonging to the respondent pledged on her behalf in his name in C.C. Bank, Muthialpet Branch, Chennai-600 001 on payment of the amount due on the loan by the respondent.

12. The respondent undertakes to discharge the Home Loan availed in her name from the Central Bank of India, Sowcarpet Branch, Chennai-3 by herself without any default and she will not claim any money from the petitioner for this purpose.

13. The petitioner and the respondent hereby mutually agree that the petitioner shall have the right of visitation of his minor daughter Ms.N.Charumathe on the first Sunday of every second (once in 2 months) English Calendar month at the place and time which shall be decided as per the convenience of the petitioner and the minor daughter.

14. The parties herein state that there is no collusion between them in presenting this Joint Memorandum of Compromise.

15. In view of the said settlement, the Petitioner agrees to withdraw the Tr.C.M.P.No.120 of 2017 filed against the respondent on the file of this Hon'ble Court.

3. In view of the above Mediation Settlement Agreement arrived at between the parties, the Transfer Civil Miscellaneous Petition is disposed of. The above said terms of agreement are recorded. It is open to the parties to take appropriate steps to execute the above terms of Mediation Settlement Agreement. The Mediation Settlement Agreement shall form part of the decree. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Sub Judge,
Poonamalle.
2. The Judge,
Family Court, Chennai.

+2 ccs to Mr.A.Asokan Advocate sr 74125

+1 cc to Mr.S.Mohan Advocate sr 73284

Tr.C.M.P.No.120 of 2017
and C.M.P.No.2008 of 2017

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