



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2017

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.M.S.A.No.17 of 2013

B.Ganesh

... Petitioner

vs

N.Kavitha

... Respondent

Civil Miscellaneous Second Appeal filed under Section 28(1) Hindu Marriage Act, 1955 R/W Section 100 of CPC to set aside the Judgment and Decree dated 20.12.2012 made in C.M.A.No.56 of 2012 on the file of the learned Third Additional District Judge, Erode at Gobichettipalayam, confirming the Judgment and Decree dated 22.08.2012 made in H.M.O.P.No.25 of 2010 on the file of the learned Subordinate Judge, Gobichettipalayam by allowing this Civil Miscellaneous Second Appeal.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.I.C.Vasudevan.

O R D E R

The appeal is arising out of the matrimonial proceedings.

2. Today, the parties, who are personally present in the Court along with their counsels, have filed Joint Memorandum of Compromise dated 02.03.2017 and prays for a decree in terms of the compromise.

3. The Memorandum of Compromise reads as follows:

'1. The Appellant and the respondent humbly beg to submit that the above Appeal has been filed against the Judgment and Decree dated 20.12.2012 made in C.M.A.No.56 of 2012 on the file of the Learned Third Additional District Judge, Erode at Gobichettipalayam confirming the Judgment and Decree dated 22.08.2012 made in H.M.O.P.No.25 of 2010 on the file of the Learned Subordinate Judge, Gobichettipalayam.

2. The Appellant and the respondent submit that taking into consideration of the fact that the matter relates to the matrimonial dispute between them, at the instance of the well-wishers, both parties have agreed to settle the dispute amicably by way of a compromise.



Pursuant to the settlement talks held between the parties in the open Court, the Joint Memorandum of Compromise has been entered into which reads as follows:-

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i) It is agreed and declared by and between the parties that respondent/wife has given consent for divorce pursuant to the settlement entered into between the parties. Accordingly, as per the terms agreed, the appellant/husband has handed over Rs.3 lakhs on this day to the respondent/wife towards her permanent alimony. Amount paid in cash today and duly received by the respondent.

ii) It is agreed, confirmed and declared by and between the parties that the respondent/wife has received Rs.3 lakhs, and gives consent for divorce. Accordingly, the marriage held between the appellant and the respondent on 17.11.2004 at Bannari Amman Temple, Punjai Puliyampatti Village, Sathyamangalam Taluk is hereby dissolved. Hereafter, the respondent will not claim any maintenance in future or raise any issue relating to the immovable properties, jewels, articles etc., against the appellant, and vice versa.

iii) The parties have, now, agreed to amicably resolve their dispute and differences relating to the matrimonial matters and it is hereby declared and undertaken by the parties in full and final settlement of all their claims and counter-claims between them.

iv) It is agreed, confirmed and declared by and between the parties that this compromise dated 02.03.2017 shall be treated as part and parcel of the settlement entered today before this Hon'ble Court.'

4. Accordingly, the compromise is recorded. There will be a judgment and decree in terms of the compromise and the Memorandum of Compromise will form part and parcel of the decree. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rn/tsi



To

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1.The III Additional District Judge, Erode.

2.The Subordinate Judge, Gobichettipalayam.

+ 1 cc to Mr.M. Manokaran, Advocate SR.13803

+ 1 cc to MR.I.C. Vasudevan, Advocate SR.13641

CMSA No.17 of 2013

KS (CO)

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