

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.04.2017

CORAM:

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.R.C.Nos.732 of 2010 & 1101 of 2011

C.Gunasekaran ...Petitioner
in Crl.R.C.No.732 of 2010
Respondent
in Crl.R.C.No.1101 of 2011

Vs.

1.V.Anandhi
2.Minor Rahul
Rep. by V.Anandhi, Mother ...Respondents
in Crl.R.C.No.732 of 2010
Petitioners
in Crl.R.C.No.1101 of 2011

Common Prayer: Criminal Revisions filed under Section 397 r/w
401 of Cr.P.C. praying to set aside the order dated 31.12.2009,
passed in M.C.No.34 of 2008 by the Judge, Family Court, Salem.

For Petitioner : Mr.V.Karthik
in Crl.R.C.732/10 Senior Counsel
& Respondents in for M/s.S.Gopalan & Co.
Crl.R.C.1101/11

For Respondents : Mr.D.Shivakumaran
in Crl.R.C.732/10
& Petitioners in
Crl.R.C.1101/11

COMMON ORDER

These revisions have been filed challenging the order dated
31.12.2009 passed in M.C.No.34 of 2008, on the file of the
Family Court, Salem.

2.Criminal Revision No.732 of 2010 has been filed by the
husband, who was respondent in M.C.No.34 of 2008 on the file of
the Family Court, Salem. The respondent/wife and her minor son
filed a petition under Section 125 of Cr.P.C. seeking
maintenance. The Court below directed the petitioner to pay a

sum of Rs.7,000/-p.m., to the first respondent/wife through out her life time and to pay a sum of Rs.5,000/-p.m., to the second respondent/minor son, till he attains majority. Challenging the order of maintenance, the petitioner/husband filed this revision. Subsequently, feeling aggrieved, that the maintenance ordered by the Court below is inadequate, the respondent/wife and minor son also filed a revision in Criminal Revision No.1101 of 2011, seeking enhancement of maintenance.

3.Heard Mr.V.Karthik, Senior Counsel for M/s.T.S.Gopalan and co., learned counsel appearing on behalf of the petitioner/husband and Mr.D.Shivakumaran, learned counsel appearing on behalf of the respondents/wife and son.

4.Today, when the matter was taken up for hearing both learned counsels appearing on behalf of petitioner/husband and first respondent/wife and minor son submitted that both the parties have entered in to a compromise and settled the dispute between themselves and also filed a compromise memo dated 24.04.2017, wherein the petitioner/husband agreed to pay a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) towards permanent alimony to the first respondent/wife and a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the second petitioner/minor son and he has also handed over the cheques bearing No.608797 and 608798 respectively drawn on Punjab National Bank, Kalaikunda Branch, favouring the first and second respondents respectively payable at Salem.

5.Today, both the petitioner/husband and respondent/wife were present before this Court. The respondent/wife stated that she is willing to accept the settlement and also received the above said cheques. Both the parties agreed to abide by the conditions as stated in the compromise memo, which reads as follows:

"(v)Both the parties do hereby agree that they do not have any past, present or future claims against each other. The respondent does not have any objection to allow the interlocutory application filed by 1st petitioner to enter into a compromise as stated herein above and as the guardian and next friend of the 2nd petitioner.

(vi)The 1st petitioner does hereby agree that the exparte decree of divorce dated 26.09.2006 in H.M.P.No.83 of 2005 on the file of Civil Judge, Sr.Division, Panvel, Maharashtra, which has been filed by the respondent against the 1st petitioner is accepted by the 1st petitioner as final and accordingly the 1st petitioner undertakes not to

press the application filed by her seeking to set aside the said exparte decree for divorce.

(vii) It is further agreed by the 1st petitioner and the respondent that the decree for divorce is accepted as final and one effective from the date of exparte decree viz., 26.09.2006 in H.M.P.No.83 of 2005, Civil Judge, Sr.Division, Panvel, Maharashtra.

(viii) Both the parties do hereby agree that the respondent shall not claim or want any visitation right, to see or to interact with the 2nd petitioner in any manner. Likewise, the 1st petitioner also agrees that she will not insist or compel the respondent to visit and interact with the 2nd petitioner in any manner. However, it is open to the petitioner to visit the child after prior appointment with 2nd respondent.

(ix) The Petitioners also undertake not to press the application filed by them before Salem Family Court vide CMP.No.111/2016 in M.C.34/2008 seeking further enhancement in Maintenance amount.

(x) Both the parties do hereby agree that this joint memo of compromise recorded in the mediation proceedings can culminate as the final order in Crl.R.C.732 of 2010 and Crl.R.C.No.1101 of 2011 on the file of this Hon'ble Court and can also be deemed to be the compromise and out of Court settlement agreed between the 1st petitioner and the respondent in respect of confirmation of the decree of divorce dated 26.09.2006 in H.M.P.No.83 of 2005 on the file of Civil Judge, Sr.Division, Panvel, Maharashtra.

(xi) Both the parties do hereby agree to bear their respective costs and expenses."

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6. Recording the compromise entered into between the parties, both Criminal Revision petitions are closed. The joint memo of compromise shall form part of the record.

(*) Herewith Xerox copy
of Compromise Memo
is attached

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rm

To
1. The Judge,
The Family Court,
Salem.

Copy to:
The Assistant Registrar,
Tamilnadu Mediation
and Conciliation Centre,
High Court, Madras-104.

+1cc to Mr.D.Shivakumaran, Advocate, S.R.No.25850
+1cc to Mr.T.S.Gopalan, Advocate, S.R.No.25149

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GJII(CO)
RS(12/06/2017)

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