

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH
and
THE HONOURABLE MR. JUSTICE P.D.AUDIKESAVALU

C.M.A.No.944 of 2013
in
MP.No. 1 of 2013

E.Bhuvaneshwari

... Appellant

vs.

S.Sukumar

... Respondent

Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act, 1984, against the fair and decreetal order of the Family Court(FAC) at Coimbatore, dated 11.01.2013 in H.M.O.P No.14 of 2012

For Appellant : Mr.P.Valliappan

For Respondent : Mr.Govi Ganesan

J U D G M E N T

[Judgment of the Court was made by R.SUBBIAH, J.]

This Appeal has been filed by the petitioner/wife challenging the decree of divorce granted by the Family Court, Coimbatore, dated 11.01.2013 in HMOP No.14 of 2012 filed by the respondent/husband.

2. Pending the appeal, now compromise has been arrived at between the parties. Pursuant to the compromise, today, they have also filed a memo of joint compromise. In the joint memo of compromise, it has been stated that in lieu of interim maintenance of Rs.15,000/- per month awarded by the Family Court, Coimbatore in M.C.No.3 of 2011, now the respondent/husband agreed to pay a sum of Rs.20,00,000/-(Rupees Twenty Lakhs only) towards one time settlement and the appellant has also agreed to receive the same. Pursuant to the said understanding, the amount has also been paid by the respondent to the appellant by way of two

Demand Drafts dated 22.06.2017 Bearing Nos.927252 and 927254, drawn on M/s. Vijaya Bank, Pollachi Branch, for a sum of Rs. 10,00,000/- (Rupees Ten Lakhs only) each. Further, the respondent/husband has also returned all the golden articles to the appellant.

3. The joint memo of compromise filed by both parties is recorded and the same is extracted hereunder:

1. At the intervention of elders, well-wishers and family members and after mutual deliberations, the Appellant and the Respondent herein have sorted out their difference and agreed to enter into a compromise in the interest of both of them which has been reduced into writing as follows:

2. It is mutually agreed that the decree of divorce dated 11.01.2013 granted in HMOP NO. 14 of 2012 on the file of the family Court, Coimbatore be sustained and the above C.M.A.No.944 of 2013 shall be Dismissed.

3. It is further mutually agreed that in lieu of interim maintenance of Rs. 15,000/- per month granted in M.C.No.3 of 2011 on the file of family Court, Coimbatore, the Respondent herein agrees to pay a sum of Rs. 20,00,000/- (Rupees Twenty Lakhs only) towards one time settlement and the Appellant herein agrees to receive the said sums and undertake not to claim the sum of Rs. 15,000/- every month towards maintenance as ordered by the family Court, Coimbatore.

4. It is further agreed that the Respondent herein will not claim the sums paid towards maintenance so far to the Appellant from her.

5. The Respondent has paid the aforesaid sums of Rs. 20,00,000/- to the Appellant by way of two Demand Drafts dt. 22.06.2017 Bearing Nos. 927252 and 927254 and drawn on M/s Vijaya Bank, Pollachi Branch each of Rs. 10,00,000/- value and the Appellant acknowledges and Admit the receipt of the same.

6. The Respondent has returned the following Golden articles to the Appellant herein viz., (i) One Mango Malai; (ii) One Necklace; (iii) One stone necklace; (iv) Two Bangles; (v) Two hand chains; (vi) one Mango Ear-sted; (vii) Two Mattal and (viii) One chain all together weighing about 25 1/2 sovereigns and the appellant also acknowledges the receipt of the same.

7. The sum of Rs. 20,00,000/- and the above gold articles have been parted by the Respondent for the benefit of the Appellant and their Minor Daughter Kanishka. The minor daughter shall be under the care and custody of the Mother, the Appellant herein.

8. The Appellant is fully satisfied with the above said arrangements and undertakes not to claim maintenance for her or for Minor Kanishka in future.

9. The Respondent has also handed over the house-hold articles brought by the Appellant at the time of marriage viz., Utensils, Television, Washing Machine, Cot, etc. to the Appellant herein and the Appellant acknowledges the receipt of the same.

10. In fine, the Appellant and the Respondent herein are no longer Wife and Husband respectively and they do not have any connection in future and each of them can live peacefully. The appellant also undertakes to withdraw the petition filed for Restitution of Conjugal Rights against the respondent herein.

11. The above Compromise has been arrived and recorded on their own volition, whole heartedly and without any coercion, threat or undue influence.

4. In view of the joint memo of compromise and also considering the fact that the appellant and the respondent are residing separately for a long time, which would satisfy the requirement for granting divorce, this Civil Miscellaneous Appeal is disposed of by confirming the divorce granted by the court below. The joint memo of compromise shall form part of the decree. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

vsm/bsm

To

1.The Family Court,
Coimbatore.

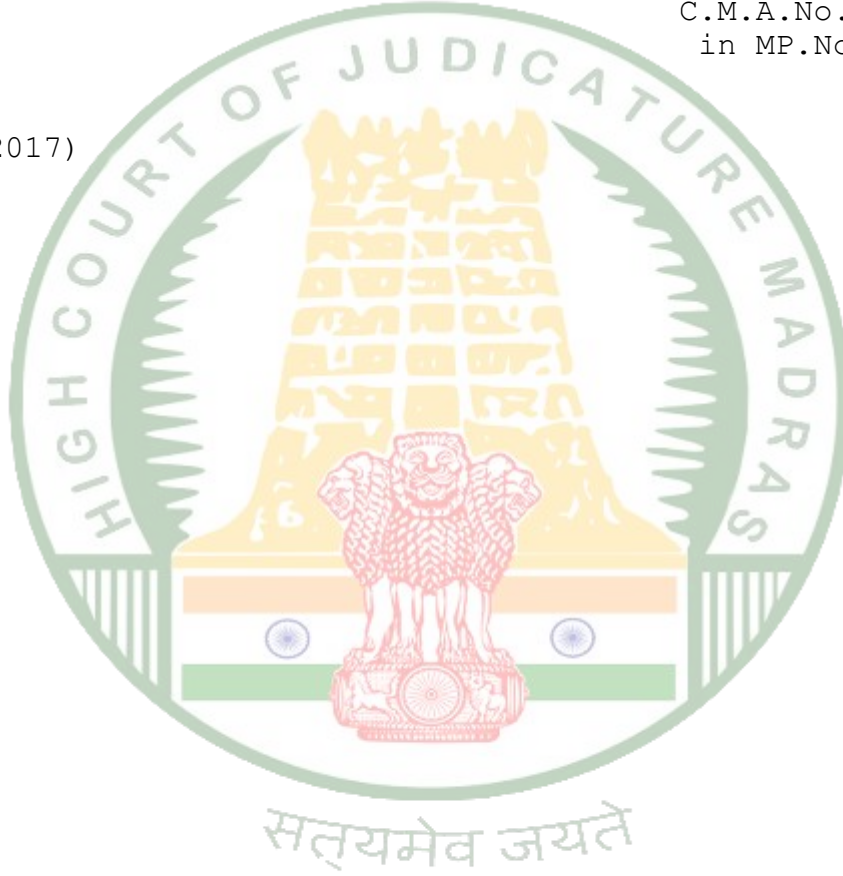
2.The Section Officer,
VR Section, High Court, Madras

+1cc to Mr.P.Valliappan, Advocate SR.No.45472

+1cc to Mr.K.Govi Ganesan, Advocate SR.No.45337

C.M.A.No.944 of 2013
in MP.No. 1 of 2013

RR(CO)
GN(05/12/2017)



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