



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2017

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CMA(MD)No.1325 of 2015
and
MP(MD)No.1 of 2015

Arockiya Raj : Appellant/Respondent/Petitioner

-vs-

A.Manimegalai : Respondent/Petitioner/Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 28 of the Hindu Marriage Act to set aside the order, dated 31.08.2015 passed in I.A.No.293 of 2015 in HMOP No.100 of 2014 by the Family Court, Madurai.

For Appellant : Mrs.Lakshmi Gopinathan
for M/s.Polex Legal Solution

For Respondent : Mr.J.Joshua

JUDGMENT

(Judgement of the court was delivered by K.KALYANASUNDRAM.J)

This Civil Miscellaneous Appeal is directed against the order passed in I.A.No.293 of 2015 in HMOP No.100 of 2014, dated 31.08.2015 by the Judge, Family Court, Madurai.

2.Heard Mrs.Lakshmi Gopinathan, learned counsel for the appellant and Mr.J.Joshua, learned counsel for the respondent.

3.Today when the matter is taken up for hearing, the learned counsel appearing on either side would submit that the dispute between the parties has been amicably settled before the Mediation and Conciliation Centre, attached to this Bench, on 04.10.2017 and a joint compromise memo has also been filed to that effect. The Joint compromise memo filed by the parties would run thus:-

<https://hcservices.ecourts.gov.in/hcservices> is agreed between the parties that the appellant shall pay a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only) as full and final settlement of



the maintenance amount for the respondent and their son Mr.Rikas apart from the amount of Rs.5,00,000/- which was already paid by the appellant to the respondent vide Demand Draft No.603751, dated 19.07.2013.

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2.Out of the said amount of Rs.20,00,000/- the appellant is depositing a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) drawn in the name of Mrs.Manimegalai vide D.D.No.147151 dated 28.08.2017 taken with Bank before this Mediation Centre. The same shall be kept with the custody of the mediation centre and the parties shall bring the quash petitions in Crl.O.P.Nos.19453 of 2012 and Crl.O.P.No.17205 of 2013 on the file of the Honorable Court against C.C.No.182 of 2012 and get the proceedings in C.C.No.182 of 2012 on the file of the Honorable Judicial Magistrate No.II quashed in terms this compromise. And also it is hereby agreed that the respondent herein shall file a memo of Submit to decree of divorce before the Honorable Family Court in HMOP No.100 of 2014 in the mean time.

3.It is also agreed that within a period of one month from today the appellant shall get a Demand Draft for the balance sum of Rs.10,00,000/- (Rupees Ten Lakhs only) in the name of respondent herein and on completion of both the proceedings the respondent shall get the Demand Draft from the Mediation centre.

4.Thereafter both the parties may not have any right or claim whatsoever against each other in any manner and since the son of the parties herein Mr.Rikas is now a major he will be with the respondent herein. Both parties hereby may not have any right or interest upon the assets or properties of the other hereafter.

5.If either of the parties herein fail to obey with the terms of this compromise then the other party is having every right to revert back from their commitments made before the mediation centre and continue the litigation against the other in the manner known to law.

6.After completion of the entire proceedings and paying of the entire money the CMA No.1325 of 2015 shall be closed in terms of compromise."

<https://hcservices.ecourts.gov.in/hcservices/>

4.In view of the above facts, the Civil Miscellaneous Appeal is allowed in terms of the compromise. In consequence thereof, the



entire proceedings in HMOP No.100 of 2014 on the file of the Family Court, Madurai, is closed. The joint compromise memo shall form part of the record. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS-I)

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/True Copy/

Sub Assistant Registrar.

Herewith attached xerox copy of Join Compromise Memo

To,
The Judge,
Family Court,
Madurai.

+1CC to Mr.J.Joshua, Advocate, SR.No. 82213

+1CC to M/S.Polax Legal Solutions, SR.No. 82218

CMA (MD) No.1325 of 2015

and

MP (MD) No.1 of 2015

10.10.2017

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