



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :14.09.2017

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CMSA(MD) .No.12 of 2013
and
C.M.P. (MD) .No.1 of 2013

A.Seenivasuki ...Appellant/Respondent/Respondent

Vs.

T.Senthilkumar ... Respondent/Petitioner/Petitioner

This Petition has been filed under Section 28 read with 100 of C.P.C against the decree and judgment dated 01.11.2012 made in H.M.C.M.A.No.30 of 2010 on the file of the 4th Additional District Judge, Tirunelveli reversing the judgment and decree dated 24.02.2010 in H.M.O.P.No.35 of 2009 on the file of the Sub-Judge, Velliyur.

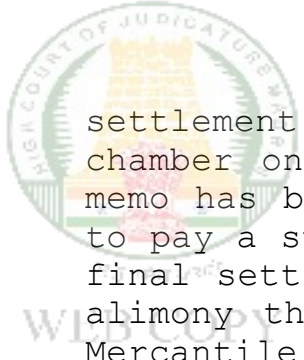
For Petitioner : Mr.T.Lajapathi Roy
For Respondent : Mr.D.Rajkumar

ORDER

This Petition has been filed under Section 28 read with 100 of C.P.C against the decree and judgment dated 01.11.2012 made in H.M.C.M.A.No.30 of 2010 on the file of the 4th Additional District Judge, Tirunelveli reversing the judgment and decree dated 24.02.2010 in H.M.O.P.No.35 of 2009 on the file of the Sub-Judge, Velliyur.

2. The appellant herein is the wife of the respondent herein. The appellant would aver among other things that the marriage between this appellant and the respondent was solemnized on 12.09.2003. Thereafter, due to difference of opinion, her husband filed a petition for divorce in H.M.O.P.No.35 of 2009 on the file of the Sub-Court, Valliyoor, Tirunelveli District. The said petition was dismissed by the Court below. Aggrieved over the same, the husband filed H.M.C.M.A.No.30 of 2010 on the file of the 4th Additional District Judge, Tirunelveli and the same was allowed in favour of him. Against which, the present petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices> Although very many averments have been made in this appeal, during the course of the arguments, it was stated that if the matter is mediated by this Court, there could be some



settlement and accordingly, the matter was mediated by me in the chamber on various occasions and as a result, a joint compromise memo has been filed by both parties, in which, the husband agreed to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) as full and final settlement to the wife and to her female child as permanent alimony through D.D.No.377441 dated 11.09.2017 of the Tamil Nadu Mercantile Bank in the name of "Babithashri" as per the request of the wife. Further, as per the compromise memo, the wife is ready to grant a divorce as per the decree of the learned 4th Additional District Judge, Tirunelveli in C.M.A.No.30 of 2010. It is further averred in the compromise memo that by the effect of this compromise memo, the appellant will not seek any further claim in future for herself and for her daughter.

4. With the above observations and discussions and recording the compromise memo dated 14.09.2017, this transfer civil miscellaneous second appeal stands dismissed. The compromise memo dated 14.09.2017 shall form part of the record. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To,

(i) 4th Additional District Judge, Tirunelveli

(ii) The Sub-Judge, Velliyur.

COPY TO:

The Section Officer,

V.R.Section, Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.D.Rajkumar, Advocate SR.No. 79153

+1cc to M/S.T.Lajapathi Roy, Advocate SR.No. 79088

CMSA (MD) No.12 of 2013

SSM

JM/SV MMS/SAR 2/24.10.2017/2P/6C