

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 30.07.2018

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THE HON'BLE MR.JUSTICE R.SUBBIAH
and
THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1433 of 2017

V.Vijay Kumar ... Appellant

Vs.

V.Chitra ... Respondent

Civil Miscellaneous Appeal has been filed under Section 19 of the Family Courts Act against the judgment and decree dated 27.02.2015 in F.C.O.P.No.86 of 2014 on the file of the Family Court, Vellore.

For Appellant : Mr.N.s.Sivakumar

For Respondent : Mr.G.Pramila

JUDGMENT

(Judgment of the Court was delivered by R.SUBBIAH, J.,)

The marriage between the appellant/husband and the respondent/wife was solemnized on 08.11.1989 as per Hindu rites and customs at Gudiyatham Town. Out of the wedlock, two children were born to the couple. Subsequently, due to matrimonial disputes, the appellant/husband has filed a petition in F.C.O.P.No.86 of 2014 under Section 13(1)(i-b) of the Hindu Marriage Act before the Family Court at Vellore, seeking divorce and dissolution of marriage. But, the said OP was dismissed by the Family Court at Vellore by judgment and decree dated 27.02.2015. Aggrieved over the same, the present appeal has been filed by the appellant/husband.

2.Today, when the matter is taken up for consideration, both the parties appeared in Court along with their respective counsel and they filed a joint memorandum of compromise dated 30.07.2018, signed by both the parties and their respective counsel. The terms and conditions mentioned in the joint memorandum of compromise read as follows_

"1.The respondent/wife shall execute a deed of settlement in respect of the property more fully described in the schedule which is now stands in her name vide registered settlement deed dated 16.05.2003 to and in favour of her son Jaya Raghavan, aged 24 years absolutely and shall create life interest in favour of appellant/husband. Further, both the parties agreed for dissolution of marriage held on 08.11.1989. The Appellant shall pay permanent alimony of Rs.15 lakhs to the respondent.

2.As per the above terms the appellant/husband had paid a sum of Rs.15 lakhs towards permanent alimony as full and final settlement of all her claims and the respondent/wife had acknowledged the receipt of the said sum of Rs.15 lakhs (Rupees Fifteen Lakhs only) towards permanent alimony as full and final settlement of all her claims. A Deed of Settlement has been executed on 27.07.2018 before the Joint I, Sub-Registrar, Vellore in favour of his sons Jaya Raghavan absolutely and on creation of life interest in favour of Appellant/husband in respect of the said schedule property.

3.In the result of the above compromise, the respondent/wife and the appellant/husband also withdrawn their respective suits in O.S.No.77 of 2004 and O.S.No.202 of 2004 pending on the file of the Subordinate Court, Vellore.

4.By virtue of the above compromise the respondent/wife agrees for the judgment and decree dissolving the marriage held on 08.11.1989 between the appellant and the respondent.

Details of payment of Rs.15 lakhs:

Demand draft dated 15.06.2018 bearing Nos.311918, 311919 for Rs.10 lakhs, and

Demand draft bearing No.312527 dated 27.07.2018 for Rs.5 lakhs, drawn on State bank of India, Sathuvachari Vellore."

3.Recording the above said compromise, this appeal is allowed in terms of the agreement/compromise and the judgment and decree dated 27.02.2015 in F.C.O.P.No.86 of 2014 passed by

the Family Court at Vellore is set aside. The marriage between the appellant and the respondent solemnized on 08.11.1989 is hereby dissolved and a decree of divorce is granted. The joint memo of compromise shall form part of this judgment. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

SSV

To

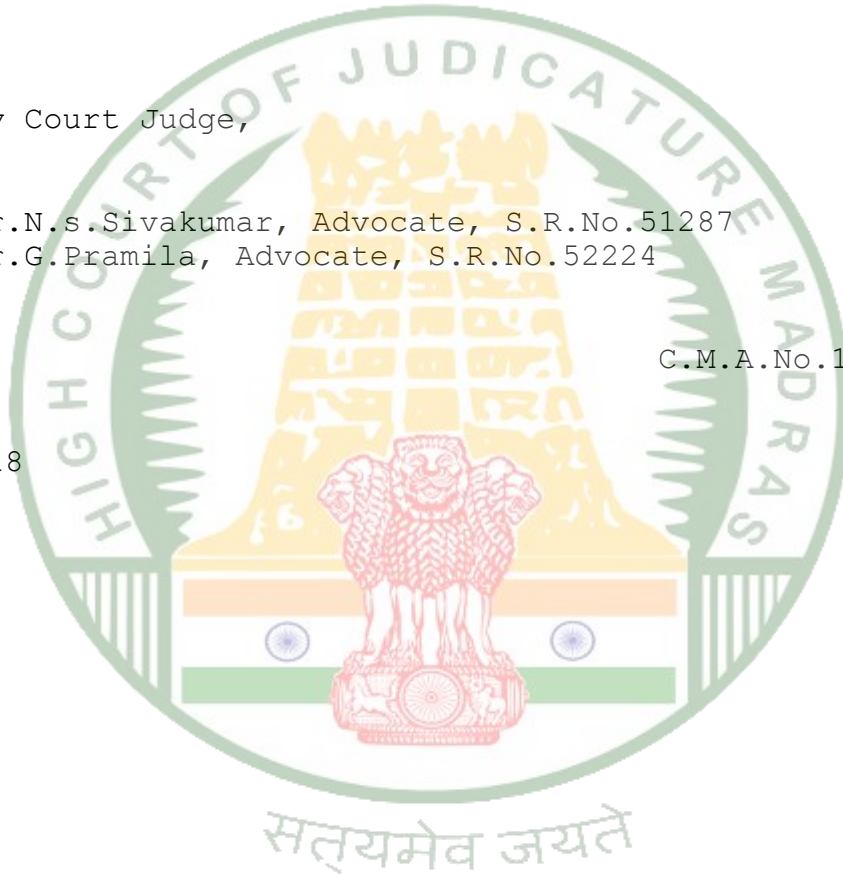
The Family Court Judge,
Vellore.

+1cc to Mr.N.s.Sivakumar, Advocate, S.R.No.51287

+1cc to Mr.G.Pramila, Advocate, S.R.No.52224

C.M.A.No.1433 of 2017

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