

IN THE HIGH COURT OF JUDICATE AT MADRAS

DATED: 01.08.2018

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

C.M.A.No.1618 of 2015
and M.P.No.1 of 2015

M.Usha Rani ... Appellant

Vs.

R.Srinivasan ... Respondent

Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act, 1988 against the order dated 06.02.2015 passed by the Family Court, Salem, in F.C.O.P.No.21 of 2014.

For Appellant : Mr.V.Sekar
For Respondent : Mr.B.Mohan

JUDGMENT

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

This appeal has been filed against the order dated 06.02.2015 in F.C.O.P.No.21 of 2014 by the Family Court, Salem, granting a decree of divorce.

2. The appellant herein is the wife and the respondent herein is the husband. The marriage between the appellant and the respondent took place 21.02.2005 at Saradhammal Temple Race Course, Coimbatore as per Hindu rites and customs. Subsequent to marriage, there was matrimonial dispute between the parties. Hence, the respondent herein filed H.M.O.P.No.864 of 2009 (FCOP.No.21 of 2014, Family Court, Salem) under Section 13(1-b) of the Hindu Marriage Act before the Family Court, Coimbatore, on the ground of desertion. The Family Court, Salem, allowed the said petition granting a decree of divorce. Aggrieved over the same, the Appeal has been filed by the wife/ appellant.

3. Today, when the matter is taken up, learned counsel appearing on either side submitted that the dispute between appellant and the respondent was amicably settled among themselves and they have also entered into a joint memo of

compromise dated 01.08.2018. They have also filed a joint memo of compromise dated 01.08.2018 before this Court signed by both parties along with their respective counsels. The said joint memo of Compromise reads as follows:

i). The appellant hereby submits to the decree dated 06/02/2015 passed by the Hon'ble Family Court, Salem in F.C.O.P.No.21/2014 dissolving the marriage solemnised between the Appellant and the respondent as per the Hindu rites and Customs on 21.02.2005.

ii) The Respondent shall pay a total sum of Rs.10,00,000/- (Rupees ten Lakhs only) towards permanent alimony to the appellant as well as their minor son U.S.Vishnu Dharshan in full quit of all other claims towards alimony and maintenance, past, present and future.

iii) The above said permanent alimony shall be paid by way of Fixed Deposits in the name of the minor U.S.Vishnu Dharshan showing the mother as the minor's natural guardian in such deposits. The Fixed deposits shall be made by the respondent in a Nationalised bank at its branch at Salem, for a period of 6 years and the same shall not be foreclosed prematurely under any circumstances. The monthly interests alone shall be withdrawn by the minor U.S.Vishnu Dharshan represented by his mother the Appellant herein from such Fixed deposits.

iv) The Respondent shall first pay Rs.5,00,000/- (Rupees Five Lakhs only) on or before 31/08/2018 by way of Fixed deposit in the manner as stated above. The Respondent shall pay the balance Rs.5,00,000/- (Rupees Five Lakhs only) by way of Fixed deposit in the manner stated above within two years thereafter i.e., on or before 31.08.2020.

v) The Fixed Deposits are made by the Respondent towards the permanent alimony for the Appellant as well as her son in the manner stated above at the Appellant's specific request.

2. The Respondent shall be entitled to visitation rights, to meet his minor son U.S.Vishnu Dharshan during the Christmas vacation and summer vacation each year.

4. It is stated in Clause (iv) of the joint memo of compromise that the respondent will first pay Rs.5,00,000/- on or before 31.08.2018 by way of Fixed deposit and will pay the balance of Rs.5,00,000/- by way of Fixed Deposit on or before 31.08.2020. Since the appellant is residing at Salem, the respondent is directed to make the fixed deposit as per Clause (iv) of the above terms of compromise in the Indian Overseas Bank, Udayapatti Branch, Salem-14.

5. In view of the joint memo of compromise filed by the parties dated 01.08.2018, the civil miscellaneous appeal is dismissed confirming the order and decree dated 06.02.2015 passed by the Family Court, Salem, in F.C.O.P.No.21 of 2014. The joint memo of compromise dated 01.08.2018 shall form part of the decree. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vsi

To

The Judge, Family Court,
Salem.

+1cc to Mr.V.SEKAR, Advocate, S.R.No. 52336
+1cc to Mr.B.MOHAN, Advocate, S.R.No. 52121

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C.M.A.No.1618 of 2015

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