

IN THE HIGH COURT OF JUDICATE AT MADRAS

DATED : 19.06.2018

CORUM

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

C.M.A.Nos.203 and 204 of 2018
and
C.M.P.Nos.2437 and 2438 of 2018

H.Gayathri Appellant in both the Appeals

Vs.

A.Hari Prasad Respondent in both the Appeals

Civil Miscellaneous Appeals have been filed under Section 19 of the Family Courts Act 1984 against the Fair and Final order dated 20.11.2017 made in HMOP.No.1027 of 2014 and HMOP.No.281 of 2015 respectively on the file of Principal Family Court, Coimbatore.

For Appellant : Mr.P.Saravana Sowmiyan

For Respondent : Mr.R.Bharath Kumar

COMMON JUDGMENT

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

These appeals have been filed as against the final order dated 20.11.2017 made in H.M.O.P.No.1027 of 2014 and H.M.O.P.No.281 of 2015 respectively.

2. H.M.O.P.No.1027 of 2014 has been filed by the respondent/husband against his wife for a decree of divorce on the ground of cruelty under Section 13(1)(ia) of the Hindu Marriage Act, whereas the wife/petitioner herein has filed H.M.O.P.No.281 of 2015 under section 9 of the Hindu Marriage Act for restitution of conjugal rights. The O.P. filed by the husband was allowed, granting the decree of divorce, while the O.P. filed by the wife seeking restitution of conjugal rights was dismissed. Aggrieved over the same, these appeals have been filed by the wife.

3. Today, when the appeals are taken up for consideration, both the parties appeared before this Court along with their

respective counsels and submitted that the matter has been settled between the parties and they have filed a memo to that effect. The joint memo filed by the parties reads as follows:

"1. The respondent/ husband filed HMOP 1027 of 2014 seeking divorce against the appellant/wife. The appellant/wife filed HMOP 281 of 2015 for restitution of conjugal rights and Family Court, Coimbatore, by a common order dated 20.11.2017 allowed HMOP 1027 of 2014 by granting divorce and dismissed the HMOP 281 of 2015 for restitution. Thereafter, the appellant filed the aforesaid CMAs questioning the aforesaid fair and final order dated 20.11.2017.

2. The parties herein during the pendency of the aforesaid CMAs mutually discussed among themselves along with their parents and they have come to a definite conclusion that it is not possible for them to continue their married life and there is no possibility for the restitution of matrimonial life and they have decided to end their marital status. In view of the decision taken by the parties herein the appellant herein hereby accepts the fair and final order dated 20.11.2017 passed in HMOP 1027 of 2014 and 281 of 2015. The appellant has also received a sum of Rs.13,00,000/- (Rupees Thirteen lakh only) from the respondent under a demand draft dated 18.6.2018 bearing No.784735 drawn on State Bank of India, Marutha Road Branch, Palakad, by way of permanent alimony in full and final settlement of all her claims including the claims made by her in O.S.No.16/2015 and M.C.No.43 of 2015 on the file of Principal Family Court, Coimbatore. All the articles and jewellery belonging to the appellant has been returned to her by the respondent. Similarly all the articles and jewellery belonging to the respondent have been returned to her by the appellant. Consequently no further article or jewellery remains to be exchanged or handed over.

3. The appellant further agree that in view of the receipt of the aforesaid sum as permanent alimony, she does not have any further or other claim by way of past, present or future maintenance/ alimony from the respondent. All the disputes between the appellant and the respondent have been fully and finally settled. The appellant also agrees to file memos withdrawing MC No.43 of

2015 and O.S.No.16 of 2015 which are pending before the Family Court, Coimbatore in view of the comprehensive settlement arrived at before this Hon'ble Court."

4. In view of the joint memo of compromise, C.M.A.No.203 of 2018 filed against the decree of divorce is dismissed by confirming the order dated 20.11.2017 in H.M.O.P.No.1027 of 2014 passed by the Principal Family Court, Coimbatore and C.M.A.No.204 of 2018 filed against the order dated 20.11.2017 in H.M.O.P.No.281 of 2015 passed by the Principal Family Court, Coimbatore, dismissing the petition seeking restitution of conjugal rights, is also dismissed. The joint memo of compromise shall form part of the judgment. Consequently, connected Miscellaneous Petitions are closed. No costs.

* Xerox copy of Memo of Compromise enclosed

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsi

To

The Judge,
Principal Family Court,
Coimbatore.

+2ccs to Mr.P.Saravana Sowmiyan, Advocate, S.R.No.38161, 38162

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