

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.S.A.No.2 of 2000
and C.M.P.No.1173 of 2008

Premkumar

... Appellant/Petitioner

Vs.

MaheSwari

... Respondent/Respondent

PRAYER:

Civil Miscellaneous Second Appeal filed under Section 13 (1) (i-a) and (i-b) of Hindu Marriage Act read with 100 of Civil Procedure Code, against the order dated 04.08.1999 in CMA.NO.13 of 1997 on the file of the I Additional District Judge, Erode.

For Appellant : Mr.D.Selvaraju

For Respondent : Mr.T.R.Rajaraman

J U D G M E N T

When the matter is taken up for hearing today (09.02.2018), the learned counsel appearing for both parties submitted that the parties have arrived at mutually agreeable settlement and filed a Joint Memo of Compromise dated 08.02.2018 to that effect.

2. As per the Joint Memo of Compromise signed by the parties and their respective counsel, the appellant/husband had agreed to pay a sum of Rs.7,00,000/- (Rupees Seven lakh only) to the wife towards full and final settlement for grant of divorce. He has also produced a Demand Draft bearing No.500352 dated 08.02.2018 in favour of P.MaheSwari, respondent/wife, for a sum of Rs.4,00,000/-. The Demand Draft is handed over to the learned counsel for the respondent/wife. The balance amount of Rs.3,00,000/- is to be paid on or before 20.03.2018 as per the Joint Memo of Compromise. The said Joint Memo of Compromise reads as under:-

JOINT MEMO OF COMPROMISE

It is submitted that the appellant and the respondent who are husband and wife and living separately for the last 25 years, no children born to them. Now both of them have felt that the re-union of them at this stage is not possible, they have decided to part away from each other in the wedlock and put an end to litigation. Hence, they have entered into compromise with the following terms of understanding.

1. The appellant/husband agreed to pay a lump sum of Rs.7,00,000/- (Rupees Seven lakh only) to the respondent (wife) in two installments, i.e. Rs.4,00,000/- on or before 20.02.2018 and Rs.3,00,000/- on or before 20.03.2018.
2. The respondent/wife has agreed for grant of decree of divorce by setting aside the order dated 04.08.1999 in C.M.A.No.13 of 1997 on the file of Additional District Court, Erode and the order dated 29.10.1996 in H.M.O.P.No.11 of 1995 on the file of Principal Sub Court, Erode and to allow the H.M.O.P.No.11 of 1995 on the file of Principal Sub Court, Erode, she will not have any claim whatsoever over the movable or immovable properties of the appellant in future.
3. In case of failure in payment of the above said amount, the decree granted on the basis of the above compromise will stand cancelled.

3. Recording the Joint Memo of Compromise, the Original Petition in H.M.O.P.No.11 of 1995 on the file of Principal Subordinate Judge, Erode, is ordered and accordingly, the divorce is granted.

4. This Civil Miscellaneous Appeal is disposed of in terms of the Joint Memo of Compromise, which shall form part of the order. No costs. Consequently, connected miscellaneous petition is closed.

5. Post this appeal on 21.03.2018 under the caption "for reporting compliance".

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

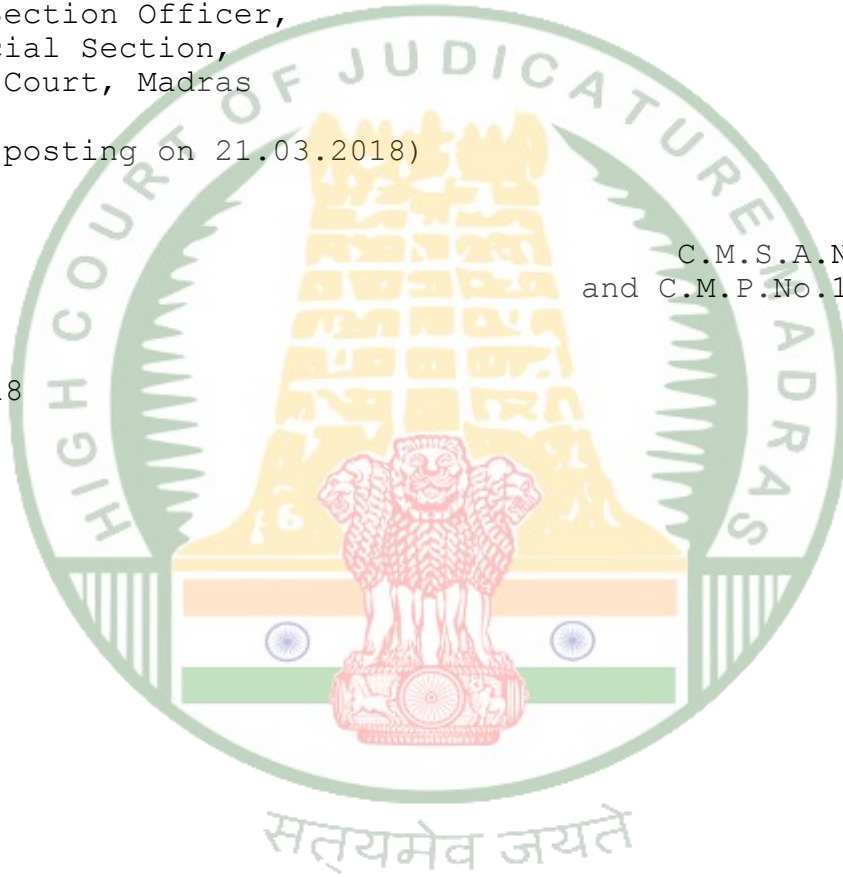
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To

1. The Principal Subordinate Judge,
Erode.
2. The I Additional District Judge,
Erode.
3. The Section Officer,
VR Section,
High Court, Madras.
4. The Section Officer,
Judicial Section,
High Court, Madras
(for posting on 21.03.2018)

GP (CO)
CS/05/03/18

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and C.M.P.No.1173 of 2008



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