

In the High Court of Judicature at Madras

Dated : 02.04.2018

Coram

The Honourable Mr.Justice R.SUBBIAH
and
The Hon'ble Mr.Justice P.D.AUDIKESSAVALU

C.M.A.No.3427 of 2011
and
MP.No.1 of 2011

P.Geetha ...Appellant/Respondent

..vs..

V.S.Sivakumar ...Respondent/Petitioner

Civil Miscellaneous Appeal has been filed under Section 19 of the Family Courts Act, 1984, against the order dated 26.07.2011 passed in F.C.O.P.No.1426 of 2008 on the file of the Principal Family Court, Chennai.

For Appellant : Mr.M.L.Ramesh
For Respondent : Mrs.Santhakumari

JUDGMENT

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

The appellant was the wife and the respondent was the husband. The marriage between the appellant and the respondent was solemnised on 22.02.2002 at Siva Sakthi Kalyana Mandapam, Anna Nagar, Chennai, as per Hindu rites and customs. Due to such wedlock between the appellant and the respondent, a male child was born on 30.04.2003 and named as S.Anand. As there was misunderstanding between the appellant and the respondent during the course of their matrimonial life, the respondent/husband has filed FCOP No. 1426 of 2008 before the Principal Family Court, Chennai under Section 13 (1) (i-a) of the Hindu Marriage Act, 1955 for dissolution of the marriage, on the ground of cruelty. On conclusion of trial, the Principal Family Court, Chennai, by the Order dated 26.07.2011, allowed the Original Petition by granting a decree of divorce. Aggrieved by the same, the appellant/wife has come up with this appeal.

2.Today, when the appeal is taken up for hearing, both the appellant and the respondent along with their respective learned

counsel on record are present. They filed a Memo of Compromise dated 02.04.2018 to the effect that they have amicably settled their dispute between them. When we enquired the parties about the factum of compromise and the terms of the compromise, they have admitted the same. We also perused the Memo of Compromise dated 02.04.2018 signed by both the appellant and the respondent. The terms of the said Memo of Compromise read as follows:

(a) The respondent herein undertakes to pay a sum of Rs.7,50,000/- (Rupees Seven Lakh and fifty thousand only) towards past, present and future maintenance / life time settlement / permanent alimony to the appellant within three months from the date of signing of this Memorandum of Settlement. Since the appellant has agreed to receive Rs.7,50,000/- she undertakes that it is the total and final settlement and agrees not to claim any money towards maintenance under any law.

(b) Since the appellant had agreed to receive the permanent alimony of Rs.7,50,000/- (Rupees Seven Lakh and fifty Thousand Only) she has no objection in confirming the decree of divorce granted by the Principal Family Court Chennai on 26-07-2011 in O.P. No.1426 of 2008 de hors the allegations leveled against each other.

(c) In view of the permanent alimony given to the appellant herein, the respondent shall pay Rs.15,000/- per month instead of Rs.17,500/- per month towards maintenance of the appellant and their minor son.

(d) The respondent undertakes to meet out all the expenses of the child minor S. Anand born of the lawful wedlock including the marriage expenses. The Appellant also agrees to take care of the marriage expenses of the child.

Both parties agree that this Memorandum of Compromise shall form part of the decree being passed by this Hon'ble Court.

3. In view of the above, this Civil Miscellaneous Appeal is dismissed and the order dated 26.07.2011 passed by the Principal Family Court, Chennai in FCOP.No.1426 of 2008 granting a decree of divorce dissolving the marriage solemnized between the appellant and the respondent on 22.02.2002 at Siva Sakthi Kalyana Mandapam, Anna Nagar, Chennai, is confirmed. With regard to the custody of child, the respondent is at liberty to work out his remedy by initiating appropriate proceedings before the

appropriate forum. The memo of compromise dated 02.04.2018 filed by the parties shall form part of the decree. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

rk

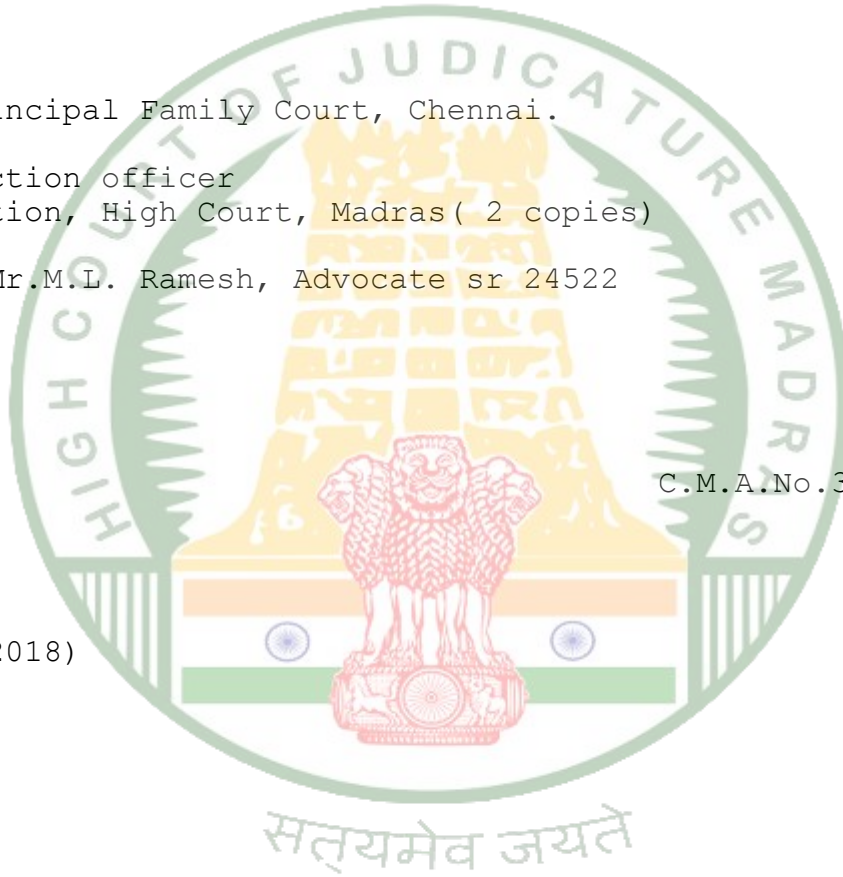
To

1. The Principal Family Court, Chennai.
2. The Section officer
VR Section, High Court, Madras (2 copies)

+1 CC to Mr.M.L. Ramesh, Advocate sr 24522

C.M.A.No.3427 of 2011

RJ (CO)
SP (05/06/2018)



WEB COPY