

IN THE HIGH COURT OF JUDICATE AT MADRAS

DATE : 28.06.2016

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THE HON'BLE MR.JUSTICE R.SUBBIAH

and

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.535 of 2016

and

C.M.P.No.4434 of 2016

Revathi ... Appellant/Respondent

Vs.

Ramesh ... Respondent/Petitioner

Civil Miscellaneous Appeal has been filed under Section 19 of the Family Courts Act, 1988 against the fair and final order dated 19.01.2016 in H.M.O.P.No.53 of 2014 passed by the Family Court, Erode.

For Appellant : Mr.S.Kaithamalai Kumaran

For Respondent : Mr.Guruprasad

JUDGMENT

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

This appeal has been filed by the wife challenging the order of divorce dated 19.01.2016 made in H.M.O.P.No.53 of 2014 passed by the Family Court, Erode.

2. The appellant herein is the wife and the respondent herein is the husband. The marriage between the appellant and the respondent took place on 04.06.2003 as per Hindu rites and customs at S.P.P. Mahal, Perundurai Road, Erode. Subsequent to marriage, there was matrimonial dispute between the parties. Hence, the respondent herein filed H.M.O.P.No.473 of 2014 under Section 13(1)(i-a) (i-b) of the Hindu Marriage Act on the ground of desertion. The Family Judge, Erode, allowed the said petition, granting divorce. Aggrieved over the same, the wife has preferred this Appeal.

3. Today, when the matter is taken up, the parties are present before this Court along with the respective counsels. They submitted that the dispute between them was already settled among themselves before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras on 06.03.2018 and they have also filed the joint memo of compromise dated 06.03.2018

signed by them along with their respective counsels. The said joint memo of Compromise reads as follows:

1. The Appellant/respondent had agreed to grant divorce to the respondent/petitioner as per the judgment in HMOP No.53/2004 and she had agreed to receive a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as her life time past and future maintenance from the respondent/petitioner and the respondent/petitioner had produced the Demand Draft bearing No.991346 dated 03.03.2018 drawn on Indian Overseas Bank, Surampatti branch for the said sum of Rs.5,00,000/-. The appellant / respondent received the same today and undertakes that she will not file any future litigations of any nature against the respondent/ petitioner. In case if she files any suit for maintenance the appellant/respondent undertakes to return back the sum of Rs.5,00,000/- received by her from the respondent/ petitioner.

2. Towards the past, present and future maintenance of their minor daughter R.Avyaktha, the respondent/ petitioner hereby agrees to execute a gift deed through his father Palanisamy for an extent of 5757 sq.ft. of land situated in RS.No.96/4 b1 of Periyasemoor village within defined boundaries and proper approach road and undertakes to safeguard the interests of the Minor's property without any hindrance for her enjoyment at any point of time. The said gift deed is to be executed within two months from the date of this agreement and failing with this agreement becomes void and the appellant/ respondent may seek proper remedy before court of law.

3. The respondent/petitioner is entitled to the visiting rights of his minor daughter R.Avyaktha on the second Saturday of every month at a common place. The respondent/petitioner is entitled to the custody rights of the minor daughter Avyaktha on every summer vacation for a week on every year. In view of the above said settlement, the respondent/ petitioner agrees to withdraw the Cross objection filed in the above stated CMA.No.535 of 2016.

4. The said joint memo of compromise is recorded. In view of the joint memo of compromise dated 06.03.2018 filed by the parties, the civil miscellaneous appeal is dismissed. The marriage between the appellant and the respondent solemnized on 04.06.2003 is dissolved. The joint memo of compromise dated 06.03.2018 shall form part of the decree. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi

To

The Family Court Judge, Erode.

+ 1 cc to Mr. M.Guruprasad, Advocate Sr.42449

+ 1 cc to Mr. S. Kaithamalai Kumarana, Advocate Sr.41133

Copy to: The Record Keeper,
V.R. Section, High Court, Madras.

C.M.A.No.535 of 2016

and

C.M.P.No.4434 of 2016

CA(CO)
EU(05/07/2018)

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