

IN THE HIGH COURT OF JUDICATE AT MADRAS

DATE : 10.07.2018

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

C.M.A.No.771 of 2016

J.Niveditha ... Appellant/Petitioner
Vs.
O.Jaishankar ... Respondent/Respondent

Civil Miscellaneous Appeal has been filed under Section 19 of the Family Courts Act against the order dated 27.08.2015 in I.A.No.1852 of 2013 in O.P.No.252 of 2013 passed by the learned II Additional Principal Judge, Family Court, Chennai.

For Appellant : Mr.M.Baskaran
For Respondent : Mr.R.Sudha

JUDGMENT

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

The appellant/wife has come forward with the present appeal aggrieved over the order dated 27.08.2015 in I.A.No.1852 of 2013 in O.P.No.252 of 2013 passed by the learned II Additional Principal Judge, Family Court at Chennai, wherein and whereby the application filed the appellant/wife seeking to direct the respondent/husband to pay a sum of Rs.20,000/- per month towards interim maintenance was dismissed.

2.Today, when the matter is taken up for consideration, a joint memo of compromise dated 10.07.2018 was filed by the parties wherein it is stated that the petitioner agreed to pay a sum of Rs.15 lakhs to the appellant towards full and final quit within one week from today. The terms of the compromise memo read as follows_

"1.that the respondent agreed to pay a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) towards full and final quit to the petitioner. The above mentioned amount is towards full and final alimony to the petitioner.

2.that the petitioner and the respondent agreed to file mutual consent divorce petition before the Hon'ble Family Court at Chennai

within one week from today ie., (18.07.2018).

3.It is agreed that the respondent shall tender the Demand Draft of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the petitioner namely J.Niveditha on the date of reserving orders by the Hon'ble Family Court at Chennai in the mutual consent divorce petition.

4.that the petitioner and the respondent declares that there is no claim against each other, all the issues against them are settled and no issues pending between them.

5.The petitioner and the respondent agreed that they will not file any case either Civil or Criminal nor any claim against each other for maintenance or alimony.

6.The petitioner and the respondent also agreed that they will not file a suit or petition either civil or criminal against each other for obligation arising out of the marriage.

7.the petitioner and the respondent mutually agreed that they will not claim any maintenance or property against each other for past, present and future."

3.Recording the above said joint compromise memo dated 10.07.2018 entered into between the appellant and the respondent, this Civil Miscellaneous Appeal is disposed of. No costs. We make it clear that in the event of a petition being filed by the appellant and the respondent under Section 13-B of the Hindu Marriage Act before the Family Court for divorce by mutual consent, in view of the peculiar circumstances involved in the case, the Family Court shall consider the same and pass orders therein without waiting for the cooling period of six months to get over. It is also made clear that the Family Court, before passing order in the petition under Section 13-B of the Hindu Marriage Act, shall ensure that the terms of the Memorandum of Compromise dated 10.07.2018 have been duly complied with by both the appellant and respondent.

*Enclosed Xerox copy of the Joint Memo of Compromise.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

SSV

To,

The II Additional Principal Judge,
Family Court, Chennai.

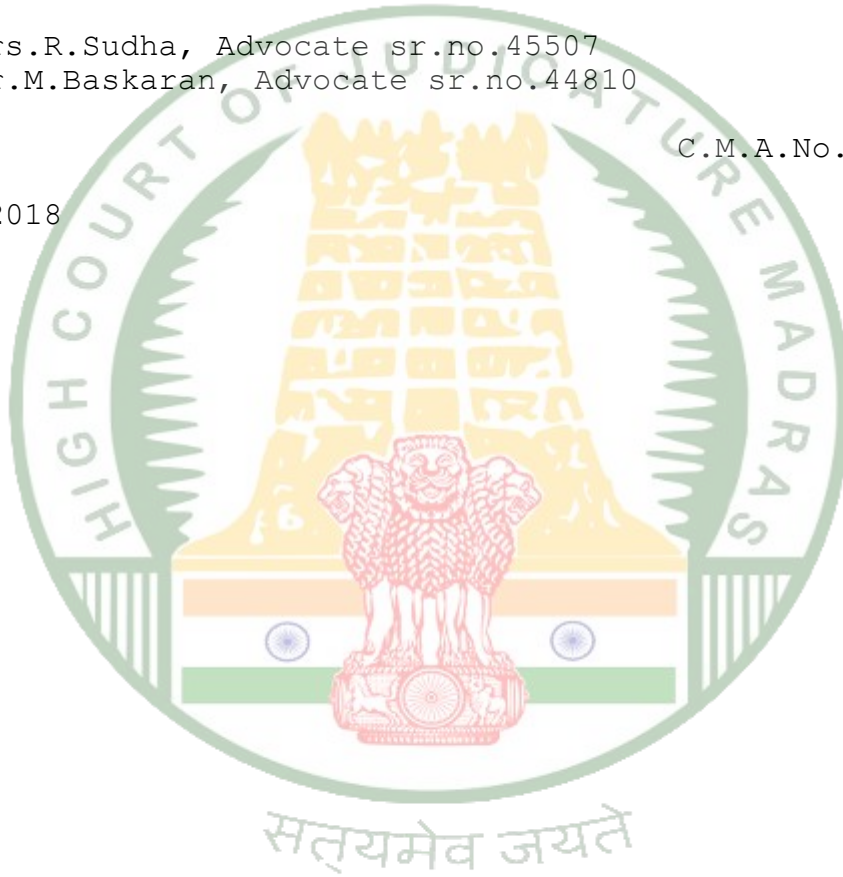
Copy to:

The Section Officer,
VR Section, High Court, Madras.

+1cc to Mrs.R.Sudha, Advocate sr.no.45507
+1cc to Mr.M.Baskaran, Advocate sr.no.44810

C.M.A.No.771 of 2016

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