

IN THE JUDICATE OF MADRAS HIGH COURT

DATE : 16.02.2018

CORUM

THE HON'BLE MR.JUSTICE R.SUBBIAH

and

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

C.M.A.No.584 of 2011

N.Gopal ... Appellant/Petitioner

Vs.

M.Ranganayaki ... Respondent/Respondent

Prayer: Civil Miscellaneous Appeal has been filed under Section 19 of the Family Courts Act against the order and decree dated 02.11.2010 in H.M.O.P.No.65 of 1999 on the file of the Family Court, Coimbatore.

For Appellant : Mr.C.R.Prasanan

For Respondent : Mr.A.Thiyagarajan

JUDGMENT

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

This appeal has been filed by the appellant/husband as against the dismissal order dated 02.11.2010 passed by the Family Court at Coimbatore in H.M.O.P.No.65 of 1999, which was filed by the appellant/husband against the respondent/wife seeking dissolution of marriage that took place between them on 22.05.1996 in Lions Club Marriage Hall at Tharapuram in Coimbatore.

2.Pending the appeal, this matter was referred to the Mediation and Conciliation Center of this Court. In the Mediation Centre, the parties have arrived at an amicable compromise to have the marriage dissolved by a decree of divorce.

3.Pursuant to the compromise arrived at between the parties, the matter was listed before this Court on 15.02.2018.

When the matter was taken up on 15.02.2018, both the parties appeared before this Court and We enquired both the parties. The respondent/wife has agreed for the dissolution of marriage, subject to the terms and conditions in the compromise memo entered into between them before the Mediation Center.

4.The joint memorandum of compromise dated 12.12.2017 has been filed before this Court and the same is recorded. The terms and conditions of the compromise memo entered between them read as follows:-

i)The respondent agreed that the above Civil Miscellaneous Appeal in C.M.A.No.584 of 2011 be allowed and a decree for divorce be granted to the appellant herein.

ii)The appellant taking into consideration of the maintenance both towards past and future payable to the respondent once for all, in one lump sum, agreed to pay Rs.8.5 lakhs, which was agreed to be paid in 3 installments. The first installment of Rs.2.5 lakhs is to be paid to the respondent on or before 11/02/2018, the second installment of Rs.3 lakhs is to be paid on or before 11/04/2018, the third and final installment of Rs.3 lakhs is to be paid on before 11/06/2018. The appellant and the respondent agreed that the payment of the installments as specified above have to be made by way of Demand Drafts drawn on Canara Bank Branch at Sankarandampalayam, Vellakoil Road, Sankarandampalayam, Erode District-638706 after mentioning her SB Account bearing No.4043 in the name of the respondent (M.Ranganayaki) and send the same to her address on or before the dates mentioned above by registered post acknowledge due. In case of any default of any payment of total amount of Rs.8.5 lakhs as specified above by the appellant both the appellant and the respondent agreed that the decree of divorce that is going to be granted on the basis of this memo of compromise will be deemed to be cancelled. On the other hand if the respondent refuses to accept the Demand drafts sent by the appellant or cause return of the same both the appellant and the respondent agreed that the decree to be granted on the basis of this memo of compromise will continue to be valid. Both the parties agreed that they are bound by the conditions of the

compromise memo and see that the same is respected and adhered to without any default, as the terms of this compromise will become enforceable from the date of passing the order by this Hon'ble Court. The appellant and the respondent made it clear that there was no mutual claim of any articles, jewels or money claim or any other claim over movable or immovable properties belonging to either of them against each other. All the claims between them stand settled, as on the date of this compromise.

iii)The respondent makes it fully clear by reiterating that she has no claim of future maintenance or any other monetary claim against the appellant.

iv)There is no collusion or connivance between the appellant and the respondent in filing the above compromise memo. Both of them fully understand terms of the compromise memo, the result and the consequences of the orders to be passed based on the above compromise memo."

5.In view of the above joint memorandum of compromise filed by the parties, the Civil Miscellaneous Appeal is allowed and the impugned order dated 02.11.2010 in H.M.O.P.No.65 of 1999 passed by the Family Court at Coimbatore is hereby set aside and the marriage that took place between the appellant and the respondent on 22.05.1996 is dissolved. The Joint Memorandum of Compromise shall form part of this Judgment. No costs.

Xerox Copy of Memo of Compromise attached.

Sd/-

Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

ssv

To

1.The Family Court Judge,
Coimbatore.

2.The Section Officer,
VR Section, High Court,
Madras.(2 Copies)

+1cc to Mr.A.Thiyagarajan, Advocate SR.No.12026
+1cc to Mr.C.K.Prasanan, Advocate SR.No.12118

C.M.A.No.584 of 2011

MR (CO)
GN (04/04/2018)



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