



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.S.A.No.55 of 2011

A.S.Subramaniam

... Appellant

Vs.

M.Mohana

... Respondent

PRAYER: Civil Miscellaneous Second Appeal filed under Section 28 of Hindu Marriage Act read with 100 of Civil Procedure Code, against the judgment and decree dated 08.06.2011 passed in C.M.A.No.33 of 2010 on the file of Principal District Judge, Namakkal confirming the judgment and decree dated 05.07.2010 passed in H.M.O.P.No.125 of 2008 on the file of Subordinate Judge, Thiruchengode.

For Appellant : Mr.K.Sasindran
For Respondent : Mr.P.P.Shanmugagsundaram

J U D G M E N T

By consent of both the parties, this matter was referred to the Tamil Nadu Mediation and Conciliation Centre, High Court of Madras, by order dated 02.11.2017.

2. Pursuant to the negotiations, the parties have arrived at mutual agreeable settlement and a report was sent by the Tamil Nadu Mediation and Conciliation Centre in Mediation Case No.922/2017 dated 05.10.2017, attaching the terms of settlement.

3. When the matter is taken up today (i.e. on 04.01.2018), the learned counsel for the respondent/wife would submit that the matter was settled by Mediation and a Joint Memo of Compromise has been filed. As per the memo of compromise the respondent/wife has acknowledged the receipt of permanent alimony for a sum of Rs.3,00,000/- from the appellant/husband.

4. The terms of Memorandum of Compromise dated 05.10.2017 signed by the parties and their respective counsels, read as follows:



WEB COPY

1. The respondent /wife viz. M.Mohana agrees that a decree of divorce can be granted for in H.M.O.P.No.125 of 2008 on the file of Sub Court, Thiruchengode, by dissolving marriage between the appellant viz. A.S.Subramaniam and the respondent viz. M.Mohana held on 08.06.1997 at Sengunthar Thirumana Mandapam at Thiruchengode, according to Hindu Rites and Customs.
2. The appellant/husband has paid totally a sum of Rs.3,00,000/- (Rupees Three Lakhs only) by way of D.D. Bearing No.063995 dated 05.10.2017 drawn on Indian Bank, George Town Branch, Chennai, to the respondent/wife towards permanent alimony on 05.10.2017, who having received the same assures that she will not make any other claim in future.
3. The respondent/wife will have custody of minor daughter viz. S.Sowmya and the appellant/husband shall bear the expenses for education of the said minor daughter till the Post Graduate level and also marriage expenses of the daughter viz. S.Sowmya.
4. Each party gives up any other claim of relief against the other party.
5. Each party will bear their own cost in the proceedings including H.M.O.P.No.125 of 2008, C.M.A.No.33 of 2010 and C.M.S.A.No.55 of 2011.

5. The above said terms of compromise are recorded. Accordingly, this Civil Miscellaneous Second Appeal is disposed of in terms of the Memorandum of Compromise. The said Memorandum of Compromise shall form part of the decree. However, further direction is issued to that effect that the respondent/wife is entitled to execute the decree in the event of default by the appellant/husband. No costs.

s/d-
Assistant Registrar(CS IX)

True Copy

Sub-Assistant Registrar

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To

1. The Principal District Judge,
Namakkal.

2. The Sub Judge,
Thiruchengode.

+1 CC to Mr.T. Jeevanantham, Advocate sr 890.

C.M.S.A.No.55 of 2011

SP(11/06/2018)