

IN THE HIGH COURT OF JUDICATE AT MADRAS

DATE : 23.04.2018

CORUM

THE HON'BLE MR.JUSTICE R.SUBBIAH

and

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

C.M.A.No.268 of 2017

Mrs.P.Dhivya ... Appellant/Respondent
Vs.
Mr.V.Prabhuram ... Respondent/Petitioner

Civil Miscellaneous Appeal has been filed under Section 19 of the Family Courts Act against the order and decree dated 25.11.2016 in H.M.O.P.No.954 of 2011 passed by the Principal Judge, Family Court at Coimbatore.

For Appellant : Mr.S.V.Pravinrathinam
For Respondent : Mr.V.P.Sengottuvel

JUDGMENT

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

The marriage between the appellant/wife and the respondent/husband was solemnized on 23.02.2009 as per Hindu Rites and Customs at Coimbatore. Out of the wedlock, a male child namely Kesav Ram was born on 22.03.2010. Subsequently, due to matrimonial disputes, the respondent/husband had filed a petition in H.M.O.P.No.954 of 2011 before the Family Court at Coimbatore under Section 13(1)(ia) of the Hindu Marriage Act, seeking to grant divorce. The Court below has decreed the said petition by order dated 25.11.2016 granting divorce. Aggrieved over the same, the present appeal has been filed by the appellant/wife.

2.When the matter was taken up on 20.04.2018, both the parties appeared along with their respective counsel. This Court enquired the parties. They represented that they have arrived at an amicable settlement and the appellant/wife has agreed for granting a decree of divorce. They sought time to file a Joint Compromise Memo. Hence, the matter was adjourned to today.

3.Today, when the matter is taken up, a Joint Compromise Memo is filed before this Court and the same is recorded. The terms of the Joint Compromise Memo read as follows_

"(i)the appellant herein accepts the decree and judgment passed by the Trial Court in HMOP.No.954/2011 dated 25.11.2016 in granting decree of divorce in favour of respondent herein as binding on appellant.

(ii)the respondent herein paid a sum of Rs.17,00,000/- (Rupees Seventeen Lakhs Only) through DD.No.642963 drawn on Canara Bank, as future maintenance to appellant and the minor son by name P.Kesav Ram, which shall be deposited in any of the nationalized Bank in the name of Minor P.Kesav Ram and appellant as nominee. Minor P.Kesav Ram is entitled to withdraw the same from concerned bank after attaining 18 years of age, which are all agreed by both parties as a mandatory clause. The appellant shall be the guardian of minor in said FD. They are entitled to enjoy the interest from the said FD.

(iii)the appellant and child have no future right of maintenance over the respondent herein in any manner and thus the aforesaid sum is paid as full and final settlement to both appellant and her child herein.

(iv)the appellant accepted that *** she has no future right of properties over the respondent in any manner and thus the aforesaid sum is paid as full and final settlement * to the appellant. The joint memo of compromise will not disentitle the minor child to claim right over the property of the respondent in future.**

(v)the appellant accepted that no future right of status and position over the respondent in any manner and thus the aforesaid sum is paid as full and final settlement to both appellant and her child herein.

***(vi)With regard to the right to visit the child is concerned, it is referable to the order dated 07.07.2014 made in C.R.P.(PD)No.261 of 2014, where visitation right was given to the**

respondent.

(vii)both parties have to withdraw their complaints filed under DV Act now pending before Honourable High Court and Judicial Magistrate respectively in Crl.O.P.No.18435/2012 and DVA.No.14/2012.

(viii)whereas both parties agree for passing a decree of compromise in terms of above referred and to bear the cost each of their own source."

4.In view of the above said compromise arrived at between the parties, the Civil Miscellaneous Appeal is dismissed and the impugned order dated 25.11.2016 in H.M.O.P.No.954 of 2011 passed by the Principal Judge, Family Court at Coimbatore is hereby confirmed and a decree of divorce is granted. The Joint Compromise Memo shall form part of this judgment. No costs.

Sd/-
Asst.Registrar (CO)
Dated: 26/04/2018

*** Amended as per the order of
this Court dated 04/07/2018 made
in CMA. No.268/17**

**Sd/- Assistant Registrar(CO)
Dated: 30/07/2018**

/true copy/

Sub Asst. Registrar

To

The Principal Judge,
Family Court at Coimbatore.

Copy to:

The Section Officer,
VR Section,
High Court, Madras

**To be Substituted as per the
order already despatched on
27/04/2018**

+1cc to Mr.V.P.Sengottuvel, Advocate sr.no.* 43511

C.M.A.No.268 of 2017

nr 26/04/2018
GN(30/07/2018)



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