

IN THE HIGH COURT OF JUDICATE AT MADRAS

DATED: 26.07.2018

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

C.M.A.No.2672 of 2014

Arul Rosalin Pradipa

... Appellant

Vs.

Florizel Levelil Ghana Deena Dayalan

... Respondent

Civil Miscellaneous Appeals have been filed under Section 19 of the Family Courts Act, 1984, against the order dated 01.04.2014 passed by the learned Principal Family Court, Chennai, in O.P.No.1954 of 2008.

For Appellant : Ms.Geetha Ramaseshan
For Respondent : Mr.P.V.Vinayakamurthi

JUDGMENT

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

This appeal has been filed against the order dated 01.04.2014 in O.P.No.1954 of 2008 by the Principal Family Court, Chennai.

2. The appellant herein is the wife and the respondent herein is the husband. This appeal has been filed as against the decree of divorce granted by the Principal Family Court, Chennai in O.P.No.1954 of 2008 filed by the respondent/ husband for dissolving the marriage held between the appellant and the respondent on 02.02.2006. The marriage between the appellant and the respondent was solemnised on 02.02.2006 at International Shrine of Santhome Basilica, Mylapore, Chennai - 600 004 according to Christian rites and customs. Due to the wed lock, they begotten a girl child named Allanna Annette Maria and presently, she is aged 11 years. Subsequently, there was misunderstanding between the husband and wife. Hence, the respondent/husband filed O.P.No.1954 of 2008 for dissolution of marriage on the ground of cruelty under Section 10(ix) and (x) of Indian Divorce Act, 1869. The Family Court has allowed the Original Petition by order dated 01.04.2014. Aggrieved over the same, the respondent/ wife has filed the present Appeal.

3. Today, when the matter is taken up for consideration, the parties appeared before this Court along with their respective counsels and submitted that the dispute between them was amicably settled among themselves and they mutually agree for dissolving the marriage held on 02.02.2006. They have also filed a joint memo of compromise dated 26.07.2017 before this Court signed by them along with their respective counsels. The terms of the joint memo of Compromise reads as follows:

5. Now, the appellant and the respondent have come to a final settlement on the following terms and conditions:

a) Both the respondent and the appellant agree to withdraw the allegations made by them against each other.

b) The respondent has returned all household articles and silver items that the appellant brought to the matrimonial home.

c) Towards the full and final settlement,

i. the respondent has paid the agreed sum of Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand only) by way of Demand Draft No.501959 dated 23.07.2018 drawn on ICICI Bank in the name of the appellant Arul Rosaline Pradipa and

ii. The appellant shall not claim alimony or maintenance for herself or for the child now or in the future and

iii. The gold ornaments weighing 5 sovereign given to the respondent at the time of marriage has been returned to the appellant and

iv. The respondent agrees that the appellant will retain with her the jewels weighing 5.75 sovereign gold and the pair of red stone studded gold ear-rings given by the respondent to the appellant at the time of marriage and

v. the respondent agrees that the appellant will retain with her the gold dollar and the gold chain weighting 3.5 sovereign and 5 gold rings and the silver articles given by the respondent to the child at the time of baptism.

d) The appellant and the respondent agree that they will not make any claim against each other or against their family members.

e) The appellant and the respondent agree that they will not file any legal proceedings, civil or criminal, against each other or their family members.

f) The appellant and the respondent agree that henceforth the appellant will be the only legal guardian of the minor child Alanna Annette

Maria born on 27.03.2007 and the permanent custody of the minor child will remain with her and the appellant will be entitled to take all decisions for and on behalf of the minor and will solely be responsible for all personal and material needs of the child.

g) The appellant and the respondent seek the indulgence of this Honourable Court to make this Joint Memo of Compromise as part and parcel of the order of this Honourable Court.

6. On the basis of the above terms and conditions the appellant and the respondent mutually agree to the dissolution of their marriage held on 02.02.2006.

4. In view of the joint memo of compromise filed by the parties dated 26.07.2018, the civil miscellaneous appeal is dismissed. The order and decree dated 01.04.2014 passed by the Principal Family Court, Chennai, in O.P.No.1954 of 2008 are confirmed. The joint memo of compromise dated 26.07.2018 shall form part of the decree. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vsi

To

The Principal Family Court,
Chennai.

+1cc to MS.GEETA RAMESESHAN, Advocate, S.R.No. 51036
+1cc to Mr.P.V.VINAYAKHAMURTHI, Advocate, S.R.No. 50669

C.M.A.No.2672 of 2014

TR(03/08/2018)