

IN THE JUDICATE OF MADRAS HIGH COURT

DATE : 20.02.2018

CORUM

THE HON'BLE MR.JUSTICE R.SUBBIAH

and

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

C.M.A.No.2897 of 2014

and

M.P.No.1 of 2014

Jaiprabha @ Amirthavalli ... Appellant/Respondent

Vs.

Vijay G.Chakravarthi ... Respondent/Petitioner

Civil Miscellaneous Appeal has been filed under Section 19 of the Family Courts Act against the order and decree dated 26.03.2014 in O.P.No.2469 of 2010 passed by the learned Principal Judge, Family Court at Chennai.

For Appellant : Miss.V.Ahalya For S.Viji

For Respondent : Mr.V.Lakshmi Narayanan

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JUDGMENT

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

The marriage between the appellant/wife and the respondent/husband was solemnized on 01.06.2001 at Ethiraj Kalyana Mandapam, Alwarpet, Chennai. Subsequently, due to matrimonial disputes, the respondent herein/husband has filed a petition in O.P.No.2469 of 2010 before the learned Principal Judge, Family Court at Chennai, under Section 13(1)(i)(a) and (iii) of the Hindu Marriage Act, 1955 r/w Section 7 of the Family Courts Act, 1984, seeking for a decree of divorce. The Court below has allowed the said petition and granted a decree for divorce vide order dated 26.03.2014. Aggrieved over the same, the present appeal has been filed by the appellant/wife.

2.Today, when the matter is taken up for consideration, both the parties appeared along with their respective counsel and they filed a Joint Memorandum of Compromise stating that they have arrived at an amicable settlement. The

appellant/wife has also agreed for granting a decree for divorce. The terms and conditions mentioned in the Joint Memorandum of Compromise read as follows

1.The respondent/husband had filed the O.P.No.2469 of 2010 for divorce against the appellant/wife before the Principal Judge, Family Court, Chennai and order dated 26th March, 2014. The petition is allowed by the Principal Judge, Family Court, Chennai and the respondent/husband was directed to pay a sum of Rs.15 lakhs (Rupees Fifteen Lakhs only) as permanent alimony to the appellant herein. In pursuance to the same the respondent has deposited the said sum against the above mentioned O.P.No.2469 of 2010 in the Family Court, Chennai.

2.The appellant wife has filed the above CMA against the order dated 26th March, 2014 in O.P.No.2469 of 2010.

3.The appellant and the respondent have now decided to renounce their marital status and the consequential mutual obligation against each other and both of them feel that the best way to end the agony and misery of all concerned is to get their marriage dissolved by a decree of divorce.

4.The respondent husband has now agreed to pay an additional sum of Rs.15 lakhs (Rupees Fifteen lakhs only) to the appellant/wife towards permanent alimony and she has agreed to receive the said sum.

5.The respondent husband had given the Demand Draft for the above said sum of Rs.15 lakhs (Rupees Fifteen lakhs only) by way of Demand Draft No.610752 dated 12.02.2018 drawn on Indian Bank, Abhiramapuram Branch, Chennai in favour of the appellant wife and she has acknowledged receipt of the same.

6.The appellant/wife and respondent/husband state that they have no further claim against each other in respect of movable and immovable properties.

7.The appellant/wife and the respondent/husband mutually agree and undertake that they will not interfere or disturb each other in the future at any point of time in any manner.

8.The respondent husband has no objection for the appellant wife in

withdrawing the sum of Rs.15 lakhs (Rupees Fifteen lakhs only) that stands deposited in the Family Court, Chennai on the file of the Principal Judge, Family Court, against O.P.No.2469 of 2010.

9.The appellant/wife humbly prays that this Hon'ble Court may be pleased to direct the Principal Judge Family Court to issue the D/D or Cheque for the sum of Rs.15 lakhs that lies deposited in the court by the respondent in her favour namely "Prabha chakravarthy" with accrued interest on filing a formal petition.

10.The appellant wife agrees to withdraw the above appeal and agrees to confirm the order dated 26th March, 2014 in O.P.No.2469 of 2010 dissolving the marriage performed between the appellant and the respondent on 1st June, 2001 at Ethiraj Kalayanamandapam, Alwarpet, Chennai-600018 as per Hindu Rites and customs."

3.The above said Joint Memorandum of Compromise filed by the parties is recorded. In view of the said compromise arrived at between the parties, the Civil Miscellaneous Appeal is dismissed and the impugned order passed by the Court below is confirmed. The marriage that took place between the appellant and the respondent on 01.06.2001 is dissolved. Since the respondent has no objection for the appellant withdrawing the amount deposited by him before the Court below, this Court directs the Court below to permit the appellant herein to withdraw the amount of Rs.15 lakhs deposited by the respondent, with accrued interest, on making necessary application and the cheque shall be issued in the favour of the appellant in the name of "Prabha Chakravarthy", for which the respondent has no objection. The Joint Memorandum of Compromise shall form part of this judgment.

Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CCC)

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Sub Assistant Registrar

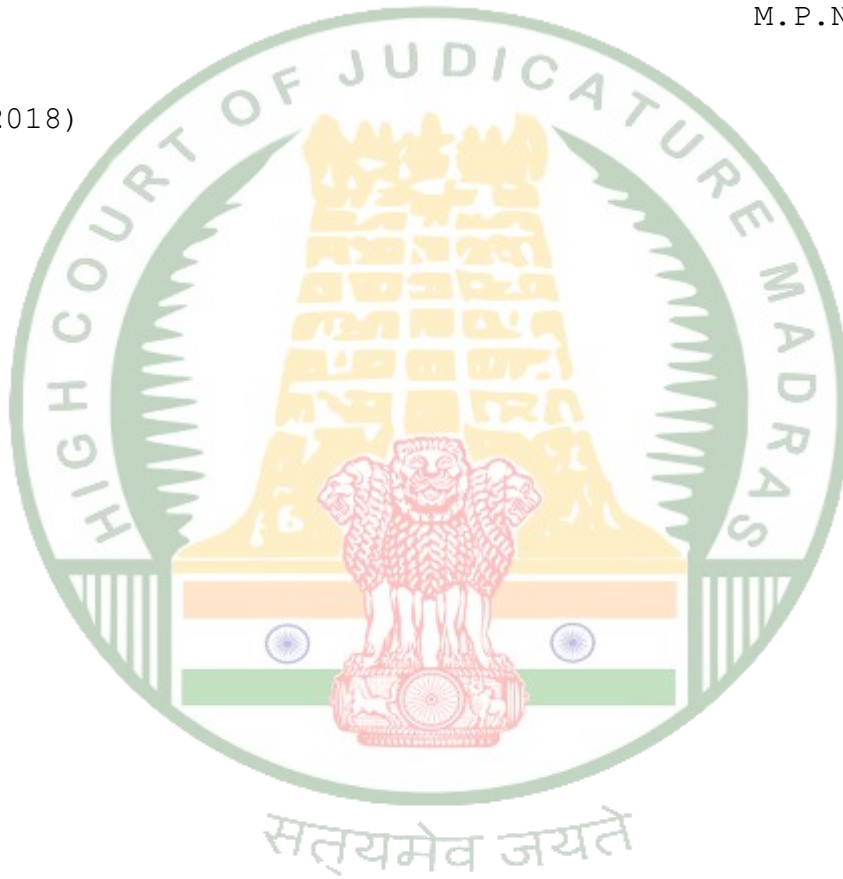
SSV

To,
The Principal Judge,
Family Court at Chennai.

+1cc to Mr.S.VIJI, Advocate, S.R.No. 12944
+1cc to Mr.V.V.RAGHAVACHARI, Advocate, S.R.No. 12768

C.M.A.No.2897 of 2014
and
M.P.No.1 of 2014

GJ II (CO)
TR(27/02/2018)



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