

IN THE HIGH COURT OF JUDICATE AT MADRAS

DATE : 20.06.2018

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

C.M.A.Nos.3428 and 3429 of 2017
and
C.M.P.Nos.11753 and 10146 of 2017

Praveen Kumar Rajasekar ... Appellant in both the Appeals

Vs.

A.Kamalapriya @ Lakshmi Sree ... Respondent in both the Appeals

Civil Miscellaneous Appeals have been filed under Section 19 (1) of the Family Courts Act against the order dated 11.10.2017 passed by the learned Principal Family Court at Chennai in OP.Nos.1486 and 3921 of 2014.

For Appellant : Mr.S.Saravanakumar

For Respondent : Mr.P.B.Balaji

COMMON JUDGMENT

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

These appeals have been filed against the common order dated 11.10.2017 passed in O.P.Nos.1486 and 3921 of 2014 by the Principal Family Court at Chennai.

2. The appellant herein is the husband and the respondent herein is the wife. The marriage between the appellant and the respondent took place on 18.01.2013 as per Hindu rites and customs at No.16, VRG Thirumana Mahal, Edaiyarpalayam Thadagam Road, Coimbatore. Subsequent to marriage, there was matrimonial dispute between the parties. Hence, the appellant herein filed F.C.O.P.No.3921 of 2014 under Section 13(1)(a-i) of the Hindu Marriage Act on the ground of cruelty. The wife/respondent herein filed F.C.O.P.No.1486 of 2014 under Section 9 of the

Hindu Marriage for restitution of conjugal rights. The Principal Family Judge, Chennai, allowed the petition filed by the wife/respondent herein for conjugal rights and dismissed the petition filed by the husband/ appellant herein seeking divorce. Aggrieved over the same, these Appeals have been filed by the husband/ appellant.

3. Today, when the matter is taken up, the parties are present before this Court along with the respective counsels. They submitted that the dispute between them was amicably settled among themselves. The wife/ respondent agreed for divorce. They also filed a joint memo of compromise dated 20.06.2018 before this Court signed by them along with their respective counsels. The terms of the said Compromise Memo reads as follows:

1. The Appellant and the Respondent unconditionally agree to dissolve their marriage that was solemnized on 18.01.2013 at No.16, V.R.G Thirumana Mahal, Edaiyar Palayam, Thadagam Road, Coimbatore and subsequently registered with SRO, Vadamalli dated 28.01.2013.

2. In view of the Appellant and Respondent consenting to an order of decree of divorce, CMA No.3428 of 2017 arising out of O.P.1486 of 2014, filed for restitution of conjugal rights, can be disposed of also.

3. The Appellant has this day paid a total sum of Rs.30,00,000/- (Rupees thirty Lakhs only) by means of Demand Drafts dated 19.06.2018 issued by Citybank, bearing Nos.684192 & 684193 to the Respondent, in full and final settlement and satisfaction of permanent alimony and life time maintenance - past, present and future.

4. In pursuance of the above, the Appellant and Respondent are giving up their right to claim maintenance whatsoever, in any manner, hereafter.

5. The Appellant the Respondent hold a locker with Karur Vysya Bank, Kodambakkam Branch, Chennai 600 024, in their joint names in Locker No.L15. The Respondent has already removed all her Jewellery from the locker on 18.11.2017 as per order passed in I.A.No.994 of 2014 in O.P.No.1486 of 2014, passed by the Principal Judge Family Court. In so far as the remaining items in the locker, the parties hereby agree that the Respondent

shall be entitled to remove the Gold Odiyanam weighing 132.70 grams and the Appellant shall be entitled to the remaining items viz., a) Jimikki weighing 19.75 grams and b) ring weighing 4.75 grams. On removing the above mentioned items the locker shall be closed and the parties shall cooperate with each other for the same.

6. The Appellant has handed over the following Jewelleries belonging to him as a part of the settlement:-

i) Diamond Necklace

ii) Diamond Ring

iii) Oddiyaam weighing 132.70 grams - (return of this item being agreed upon in Clause-5 supra).

iv) And also the respondent's belongings namely Saree (wedding sree), Veshti (wedding dhoti), Thundu (Wedding towel) and the Respondent acknowledges receipt of the same in full satisfaction.

7. The Respondent does not possess any of the articles belonging to the Appellant and the Parties hereby confirm that they have exchanged all their articles and there are no mutual claims against each other and that there can be no claims against one another in the future.

8. The Respondent initiated criminal proceedings against the Appellant and his relatives and now proceedings are pending before this Hon'ble High Court in CrI.O.P.Nos.1433/2016, 26562/2016, 17195/2016 and 3220/2017, in the form of quashing petitions filed under Section 482 of Code of Criminal Procedure.

9. In view of the settlement, the said criminal proceedings are also agreed to be given a quietus by filing separate affidavits/ compromise memos as may be required by the Parties, before the Criminal Side of this Hon'ble Court.

10. As aforesaid, the Appellant and Respondent have resolved all their disputes and they have no claims against each other and in the future also.

11. The Appellant and Respondent hereby confirm that they will not have any kind of connection, communication or correspondence, including electronic communication, messages,

emails etc. between themselves on and from this date.

12. The Appellant and Respondent are agreeable for passing orders in terms of this Compromise Memo.

4. In view of the memo of compromise filed by the parties dated 20.06.2018, both the appeals are allowed, setting aside the order and decree dated 11.10.2017 passed by the learned Principal Family Court at Chennai in O.P.Nos.1486 and 3921 of 2014. The marriage between the appellant and the respondent solemnized on 18.01.2013 is dissolved. The memo of compromise shall form part of the decree. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vsi

To

The Principal Judge,
Family Court,
Chennai.

Copy to

The Section Officer,
VR Section, High Court, Madras. [2 copies]

+1cc to M/S.P.B.Ramanujam, Advocate Sr.38965
+2cc to M/S.T.Venkateshkumar, Advocate Sr.38833

C.M.A.Nos.3428 and 3429 of 2017

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srg 03/09/2018