



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM :

THE HON'BLE MR. JUSTICE C.T.SELVAM  
AND

THE HON'BLE MR. JUSTICE M.V.MURALIDARAN

C.M.A.No.3523 of 2014

V.John Bosco @ Don Bosco

.. Appellant/Petitioner

Vs.

S.M.Jaya Theeba

.. Respondent/Respondent

PRAYER: Appeal against the decree and judgment dated 25.3.2014 passed in I.D.O.P.No.7 of 2010 by the learned Principal District and Sessions Judge, Theni.

For Appellant : Mr.S.Arunachalam  
for M/s.S.Arunachalam Associates  
For Respondent: Ms.A.Arul Mary

ORDER

(Delivered by M.V.MURALIDARAN,J.)

This Court has reserved this case for orders on 21.11.2017 and the same was listed on 26.03.2018 before this Court on the request made by both the parties. The Civil Miscellaneous Appeal is filed by the appellant calling in question the decree and judgment dated 25.3.2014 passed in I.D.O.P.No.7 of 2010 by the learned Principal District and Sessions Judge, Theni.

2. Pending appeal, the parties have agreed to meet halfway and have reduced the same to writing and the agreement entered into between the parties is to the following effect:

"The parties to the agreement are Christians and were married on 20.02.2009 by Christian rites and customs. Out of their wedlock a daughter Nithil Natasha was born on 14.12.2009. While so, the husband filed a divorce petition in I.D.O.P.7/2009 on the file of District and Sessions Court at Theni. The Petition was dismissed by the Hon'ble Court by its Judgment dated 25.3.2014 against which the petitioner had preferred an appeal in the High Court of Madras in CMA No.3523/2014. There are also other cases filed by both the parties which are disposed of or pending in different Courts.





Both parties agree to bear their own cost of litigation.

Both the parties agree to withdraw any complaints, if any pending either in police station or before any authority.

Both the parties agree that there would be no more agitating claims against each other and they would not make any further claims whatsoever either in the form of money, property, jewels, claims or entitlements through court orders passed till date or in any form by the wife from the husband or by the husband from the wife.

Both parties agreed for a mutual divorce and pray for suitable orders from the Hon'ble High Court in C.M.A.No.3523 of 2014.

Both parties agreed not to disturb each others living in any manner here after.

Having agreed to all the stipulation mentioned above both the parties put their signature hereunder at Chennai on this 23<sup>rd</sup> day of March, 2018."

The agreed settlement had been signed by the parties as well as their respective counsel and the same is taken on record.

3. Accordingly, this appeal is disposed of in terms of the agreed settlement entered into between the parties. The agreed settlement shall form part of the decree. No costs.

4. The Registry is directed to communicate a copy of this judgment along with the agreed settlement entered into between the parties to: (i) The Principal District Judge, Principal District Court, Theni; (ii) The Principal Judge, Principal Family Court, Chennai; and (iii) The Registrar (Judicial), Madurai Bench of the Madras High Court, to enable the Courts concerned to dispose of the matters pending on their file, as stated in the agreed settlement, forthwith.

Xerox Copy of agreed settlement dated 26/03/2018 enclosed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

vs



To:

1. The Principal District Judge  
District Court,  
Theni.
2. The Principal Judge  
Principal Family Court  
Chennai.
3. The Registrar (Judicial)  
Madurai Bench of Madras High Court  
Madurai.

+1cc to Mr.Father Xavier, Advocate, S.R.No. 23235  
+1cc to Mr.S.Arunachalam, Advocate, S.R.No. 23850

C.M.A.No.3523 of 2014

GP(CO)  
GN(03/12/2018)