

IN THE JUDICATE OF MADRAS HIGH COURT

DATE : 13.03.2009

CORUM

THE HON'BLE MR.JUSTICE R.SUBBIAH

and

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

C.M.A.No.152 of 2009

and

M.P.Nos.1 & 2 of 2012

and

C.M.P.No.1975 of 2017

Ashokan @ Ashokan Shiva ... Appellant/Petitioner

Vs.

Shakila ... Respondent/Respondent

Civil Miscellaneous Appeal has been filed under Section 19 (1) of the Family Courts Act against the order and decree dated 17.04.2008 in M.O.P.No.28 of 2004 passed by the Family Court at Puducherry.

For Appellant : Mr.A.Prakash

For Respondent : Ms.S.Surya Devi

* * * * *

JUDGMENT

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

The marriage between the appellant/husband and the respondent/wife was solemnized on 01.09.2000 as per Hindu rites and customs at Villianur. The said marriage was an arranged marriage by the elders of both families. Out of the wedlock, a female child namely A.Isita was born on 03.06.2001. Subsequently, due to matrimonial disputes, the appellant/husband has filed a petition in M.O.P.No.28 of 2004 before the Family Court at Puducherry, under Section 13(1)(ia) and 13(a)(ib) of the Hindu Marriage Act, seeking to grant divorce. But, the said OP was dismissed by the Family Court at Puducherry by order dated 17.04.2008. Aggrieved over the same, the present appeal has been filed by the appellant.

2. Today, when the matter is taken up, both the parties appeared along with their respective counsel and they filed a joint compromise memo, dated 13.03.2018, stating that they have amicably resolved the disputes among themselves. The respondent/wife has also agreed for dissolution of the marriage. The terms and conditions mentioned in the joint compromise memo read as follows_

"a) The respondent has agreed to dissolve their marriage by giving consent for allowing the above appeal pending before this Court.

b) The appellant/husband has agreed to make a full and final settlement to a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) for the welfare of this only daughter, who is living with the respondent/wife. The respondent/wife has agreed to receive the said full and final settlement amount.

c) The respondent/wife relinquishes her right to claim maintenance and alimony for her and on behalf of her minor daughter namely A.Isita.

d) The appellant/husband has agreed to pay the settlement amount in four installments in favour of his daughter namely A.Isita. The first installment of Rs.2,00,000/- (Rupees Two Lakhs Only) has been paid on 09.03.2018 before this Hon'ble Court by way of Demand Draft bearing No.301224 dated 01.03.2018 drawn on Bank of Baroda, Puducherry Branch. And the remaining amount of Rs.6,00,000/- in three equal installments as follows:

- (i) Rs.2,00,000/- by way of Demand Draft on or before 20.04.2018;
- (ii) Rs.2,00,000/- by way of Demand Draft on or before 20.05.2018;
- (iii) Rs.2,00,000/- by way of Demand Draft on or before 20.06.2018.

e) The respondent/wife has agreed to receive above said settlement on behalf of appellant's daughter and deposit the same in the Saving Bank Account of A.Isita.

g) Both the parties already returned all the jewelry and household articles to respective parties.

Both the parties agree that there is no other or further claims filed or pending in any court or authority."

3.Recording the above said Joint Compromise Memo, this appeal is allowed in terms of the joint compromise memo and the impugned order passed by the Court below is set aside. The marriage between the appellant and the respondent solemnized on 01.09.2000 is dissolved. The joint compromise Memo shall form part of this judgment. Connected Miscellaneous Petitions are closed. No costs.

(xerox copy of memo of compromise is enclosed)

Sd/-

Assistant Registrar (CS-vii)

//True Copy//

Sub Assistant Registrar

ssv

To,

The Family Court Judge,
Puducherry.

+2cc to Mr.R.PRABHAKARAN, Advocate, S.R.No.19012

+1cc to Mr.S.KUMARADEVAN, Advocate, S.R.No.18963

C.M.A.No.152 of 2009
and
M.P.Nos.1 & 2 of 2012
and
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SSI (CO)
TR(23/04/2018)

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