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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.S.A.NO.36 OF 2013

AND M.P.NO.1 OF 2013

AND

CMP NO.16255 OF 2017

Suguna ... Appellant/Respondent

Vs.

Jayaraman ... Respondents/Appellant

PRAYER: Civil Miscellaneous Second Appeal filed under Section 100 of Civil Procedure Code read with Section 28 of Hindu Marriage Act against the fair and decreetal order dated 17.12.2012 passed in H.M.C.M.A.No.4 of 2012 on the file of First Additional District & Sessions Court, Vellore, reversing the fair and decreetal order dated 06.08.2010 passed in HMOP No.41 of 2006, on the file of Court of Subordinate Judge, Vellore.

For Appellant : Mr.K.Govi Ganesan

For Respondent : Mr.A.Gouthaman

J U D G M E N T

Both the parties are present before this Court with their respective counsels and have filed a joint memo of compromise dated 12.02.2018, duly signed, with the attestation of their respective counsels.

2. The joint compromise memo filed by the appellant and respondent, reads as under:

"JOINT COMPROMISE MEMO FILED BY APPELLANT AND RESPONDENT

1. It is respectfully accepted by the Appellant and Respondent that the marriage solemnized between the Appellant and Respondent on 21.06.1990 may be dissolved by decree of divorce, by confirming the judgment and decree dated 17.12.2012 made in C.M.A.No.4/2012, on the file of I Additional District and Sessions Judge, Vellore.



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2.It is agreed by the Respondent that the Respondent herein gives 13 1/4 Sovereigns of gold today and cash for a sum of Rs.1,50,000/- for 7 Sovereigns of gold and a sum of Rs.50,000/- for the marriage expenses of his daughter for the purpose of performing the marriage of their daughter.

3.It is further agreed between that parties to the proceedings that the Respondent as a father he will participate in all the ceremonies in his daughter's marriage.

4.It is also agreed by the Respondent that he will pay the maintenance to the Appellant as per the order passed in C.M.P.No.716/2016 in F.C.M.C.No.25/2016, on the file of Family Court, Vellore.

5.It is agreed by the Appellant that while seeing the alliance and before finalizing the alliance to her daughter she will consult with Respondent and permit him to participate in the entire processes of marriage.

6.In view of memo of compromise, both parties mutually agreed not to lodge any fresh complaint against each other even if at all any criminal complaint pending, they undertake to withdraw the same.

7.The Appellant agreed that she will not claim any right in the house constructed by the respondent from his retirement benefit from the service at Bhagayam, Vellore."

3. Both the parties have mutually agreed that they will not give any complaint against each other to the authorities or police in future and will also withdraw the pending complaints, if any, given already, against each other. The respondent / husband has given jewels as well as money as per the terms of compromise. Receipt of the same by the appellant / wife as well as the joint memo of compromise dated 12.02.2018 is recorded.

4. The order passed by the Lower Appellate Court granting divorce is confirmed, in terms of the compromise. Further, as agreed, the appellant/wife is entitled to receive maintenance continuously, as ordered in CMP No.716 of 2016 in F.C.M.C.No.25 of 2016 on the file of Family Court, Vellore.



5. The Civil Miscellaneous Second Appeal is disposed of on the above terms. The joint compromise memo filed by the appellant and the respondent dated 12.02.2018 shall form part of the records. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

TK

To

1. The First Additional District & Sessions Court
Vellore.

2. The Subordinate Court
Vellore.

Copy to: The Section Officer, Vr Section,
High Court, Madras.

+ 1 cc to Mr.A. Gouthaman, Advocat Sr.11354

+ 1 cc to Mr. K. Govi Ganesan, Advocate Sr.10717

C.M.S.A.NO.36 OF 2013

RSY(CO)
EU(13/03/2018)