

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.12.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.879 of 2018

N.Rathipriya

...Appellant /Respondent

Vs

N.Prabhakar

.... Respondent/ Petitioner

PRAYER : Civil Miscellaneous Appeal filed against the Judgment and Decree dated 30.01.2018 made in H.M.O.P.No.57 of 2015 on the file of Family Court, Erode, Erode District.

For Appellant :Mr.A.K.Sridharan
For Respondent :Mr.V.P.Sengottuvel

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

The appeal has been preferred by the wife against the Decree of divorce granted by the Family Court, Erode, dissolving the marriage between her and the respondent on 30.01.2018 on the ground of cruelty.

2.The appellant got married to the respondent on 01.11.2006 and a child was born on 16.08.2007. Subsequently, disputes arose between the parties and therefore, they have been living separately. The respondent filed H.M.O.P.No.57 of 2015 on the file of Family Court, Erode for divorce on the ground of cruelty. On contest, the Family Court found that there was cruelty and granted divorce. Against the Decree of divorce only the present appeal has been filed.

3.The matter was already referred to Mediation Centre to be settled between the parties.

4.When the matter is called today, Mr.A.K.Sridharan, learned counsel appearing for the appellant and Mr.V.P.Sengottuvel, learned counsel appearing for the respondent would submit that the matter has been settled before the Tamil Nadu Mediation and Conciliation Centre, High Court of Madras, Chennai.

5.The Mediation report dated 30.11.2018 would reveal that the issues between the parties have been settled and a joint memo of compromise is also entered between the parties. As per the joint memo of compromise, the respondent has paid a sum of Rs.25,22,000/- to the appellant out of which, Rs.15,22,000/- is

for the wife/appellant and Rs.10,00,000/- is for the child. The joint memo of compromise would also reveal that the entire amount has already been paid. Therefore, the decree of divorce could be confirmed as the parties themselves agreed in clause 2 of the joint memo of compromise that they are withdrawing all the allegations against each other.

6.In view of the Mediation Report dated 30.11.2018 and joint memo of compromise signed by both the appellant and the respondent and counter signed by the respective counsels, the Decree of divorce granted by the Family Court is confirmed and the joint memo of compromise filed by both the parties shall form part of the ***Decree.**

Accordingly this appeal is disposed of in terms of the joint memo of compromise. No costs.

Sd/-
Assistant Registrar (CO)
Dated: 17/12/2018

***Corrected as per order of this court
dated 22/07/2019**

Sd/-Assistant Registrar(CO)
Dated: 30/07/2019

\\ True Copy \\

Sub Assistant Registrar

sai

To
1.The Family Court,
Erode, Erode District.

**To be Substituted the order
already despatched on 19/12/18**

Copy To

The Section Officer,
V.R. Section, High Court,
Madras.

+1cc to Mr.V.P.Sengottuvel, Advocate, S.R.No. ***62154**
+1cc to Mr.A.K.Sridharan, Advocate, S.R.No.85525

C.M.A.No.879 of 2018

GN(17/12/2018)
GN(31/07/2019)