

IN THE JUDICATE OF MADRAS HIGH COURT

DATE : 20.02.2018

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THE HON'BLE MR.JUSTICE R.SUBBIAH

and

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

C.M.A.Nos.3141 to 3143 of 2013

Vaishnavi Kothandaraman ... Appellant in all CMAs/Petitioner

Vs.

Vinodh Conjee Ravi ... Respondent in all CMAs/Respondent

Civil Miscellaneous Appeal No.3141 of 2013 has been filed under Section 19 of the Family Courts Act against the common order made in O.P.No.417 of 2009 and I.A.Nos.2239 & 2240 of 2011 in O.P.No.417 of 2009 passed by the I Additional Principal Judge, Family Court at Chennai dated 28.09.2012.

For Appellant : Mr.J.Saravana Vel

For Respondent : Mrs.J.Tamilarasi for M/s.AAV Partners

JUDGMENT

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

The appellant herein is the wife and the respondent herein is the husband. The marriage between the appellant/wife and the respondent/husband was solemnized on 27.06.2004 at Residency Towers, T.Nager, Chennai, according to the Hindu rites and customs. Subsequently, due to matrimonial disputes, the appellant/wife has filed a divorce petition in O.P.No.417 of 2009 before the learned I Additional Principal Judge, Family Court at Chennai, seeking divorce and permanent alimony of Rs.50 lakhs under Section 13(1)(ia) of the Hindu Marriage Act, 1955. Before the Court below, the respondent/husband opposed the divorce petition by filing counter. Pending the divorce petition, the appellant/wife has also filed an application in I.A.No.2339 of 2011 seeking to direct the respondent/husband to repay a sum of Rs.36,068 US Dollars, which is approximately equivalent to Rs.16,20,000/- and she has also filed another application in I.A.No.2240 of 2011 seeking to direct the respondent/husband to return her jewels and articles.

2.The Court below, by common order dated 28.09.2012, while granting decree of divorce, directed the respondent/husband to pay a sum of Rs.10 lakhs as against the claim of Rs.50 lakhs, to the appellant/wife towards permanent alimony and

dismissed I.A.Nos.2239 & 2240 of 2011. Now, not being satisfied with the permanent alimony of Rs.10 lakhs granted O.P.No.417 of 2009, the appellant/wife has filed the present appeal C.M.A.No.3141 of 2013. Similarly, as against the dismissal of IAs, the appellant/wife has filed the appeals in C.M.A.Nos.3142 & 3143 of 2013.

3.Today, when the matter is taken up, both the parties appeared along with their respective counsel and they filed a joint compromise memo, dated 19.02.2018, stating that pursuant to the mediation held in the Medication Center attached to this Court, they have amicably resolved the disputes among themselves. The terms and conditions mentioned in the joint compromise memo read as follows

(i)The respondent accepts for the appellant to withdraw Rs.10,00,000/- deposited by him to the credit of O.P.No.417 of 2009 on the file of the I Additional Family Court, Chennai.

(ii)The appellant undertakes to withdraw all the above C.M.A.Nos.3141, 3142 & 3143 of 2013.

(iii)The respondent undertakes to withdraw the C.C.No.723 of 2010 filed against Mr.V.M.Kothandaraman, father of the appellant herein.

(iv)Both the parties undertake that they do not have any other claims whatsoever against each other and their family members.

(v)Both parties undertake not to interfere in the lives of each other in any manner."

4.Recording the above said Joint Compromise Memo, these appeals are disposed of in terms of the joint compromise memo. The joint compromise Memo shall form part of this judgment. In view of the compromise entered into between the parties, the Court below viz., the I Additional Principal Judge, Family Court at Chennai is directed to permit the appellant herein to withdraw the sum of Rs.10 lakhs deposited by the respondent, on filing necessary application. Since the compromise was arrived between the parties before this Court, the Court below need not order notice in the application that is going to be filed by the appellant for withdrawal of Rs.10 lakhs. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

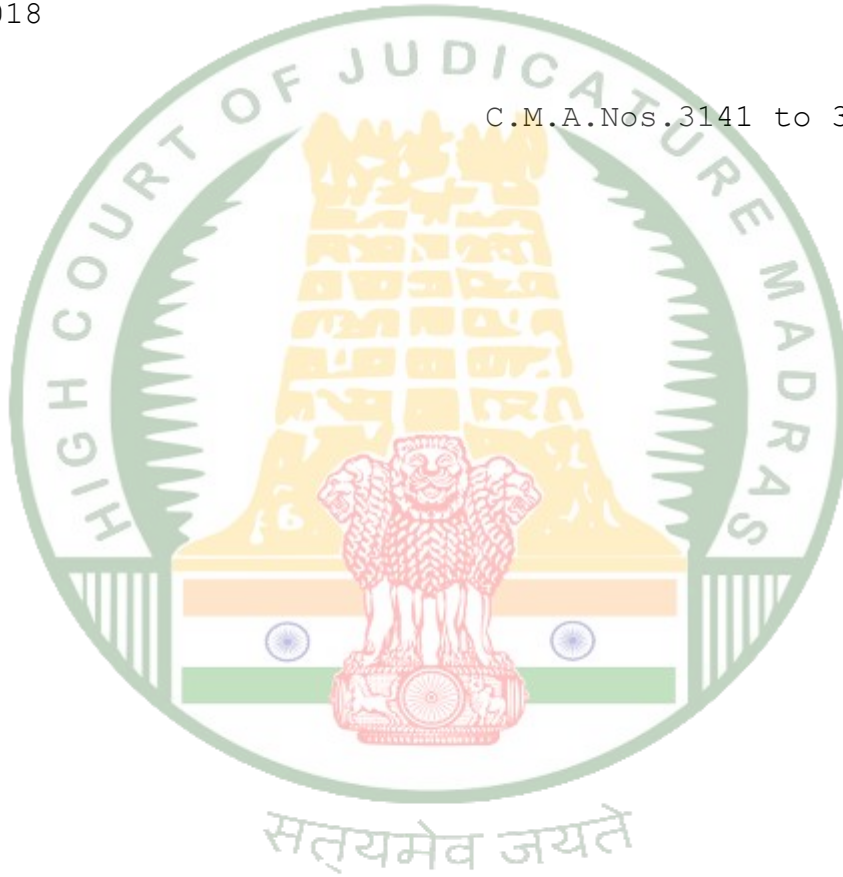
To,
The I Additional Principal Judge,
Family Court at Chennai.

Copy to: The Section Officer,
VR Section,
High Court, Madras

+2cc to Mr.J.Saravanavel, Advocate Sr.No.12925, 12785

SAI (CO)
sm:11.4.2018

C.M.A.Nos.3141 to 3143 of 2013



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