

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.02.2018
CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.NOS.709 AND 710 OF 2010
AND M.P.NOS.1 AND 1 OF 2010

H.Vidya ... Appellant in both CMAs'

vs.

P.Harikumar ... Respondent in both CMAs'

PRAYER: Civil Miscellaneous Appeals filed under section 28 of the Hindu Marriage Act to set aside the order and decree of the learned Additional District Sessions Judge , Fast Track Judge II Poonamallee dated 25.01.2010 made in H.M.O.P.Nos.78 of 2003 and 256 of 2006 respectively.

For Appellant : Ms.Sheila Jayaprakash [in both appeals]

For Respondent : Mr.K.Karthick

COMMON JUDGMENT

These Civil Miscellaneous Appeals are filed against the common order dated 25.01.2010 passed in H.M.O.P.Nos.78 of 2003 and 256 of 2006 respectively, by the learned Fast Track Judge - II, Poonamallee.

The respondent has filed a Memo for Settlement dated 02.02.2018, which reads as under:

"It is humbly submitted that the respondent herein has filed a H.M.O.P No.78 of 2003 seeking divorce and the petitioner herein has filed a H.M.O.P No.256 of 2005 seeking restitution of conjugal rights before the Hon'ble Fast Tract Judge II at Poonamallee, in which the Hon'ble Court has considered rightly and allowed the petition in H.M.O.P. No.78 of 2003 granting divorce and dismissed the petition in H.M.O.P. No.256 of 2006 filed by the appellant herein seeking restitution of conjugal

rights.

It is humbly submitted that the appellant herein has preferred a C.M.A. Before the Hon'ble High Court of Judicature at Madras praying to set aside the order and decree passed by the learned Fast Track Judge II at Poonamallee dated 25.01.2010 in H.M.O.P. No.78 of 2003 and H.M.O.P. No.256 of 2006. It is further submitted that while pending of the C.M.A. the respondent herein has admitted even before the Mediation Officer and now even before this Hon'ble Court that the respondent is ready to pay an amount of Rs.5,00,000/- (Rupees Five Lakh Only) as a fixed deposit in the name of the daughter and also ready to pay an amount of Rs.5,00,000/- (Rupees Five Lakh Only) to the Appellant herein.

It is humbly submitted stated that by stating the above, the respondent has made an earlier settlement proposal. As per the advice of this Hon'ble Court, the respondent is ready to pay an amount of Rs.7,50,000/- (Rupees Seven Lakhs and fifty thousand Only) as a fixed deposit in the name of the daughter and also ready to pay an amount of Rs.7,50,000/- (Rupees Seven Lakhs and fifty thousand Only) to the appellant in total Rs.15,00,000/- (Rupees Fifteen Lakhs Only) to both the appellant and her daughter. It is further submitted that the respondent is also ready to bear the educational expense of his daughter and the respondent is also willing to bear the marriage expense of his daughter. Hence this memo.

It is therefore humbly prayed that this Hon'ble Court be pleased to accept this memo for settlement proposal and taken into file and pass such and further order and thus render justice.

Dated at Ambattur on this 2nd day of February 2018."

4. The common order passed by the Court below is hereby confirmed, in terms of the compromise. Both the Civil Miscellaneous Appeals are disposed of on the above terms. The memo for settlement proposal by the respondent filed by the respondent dated 02.02.2018 shall form part of the records. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS iii)

//True Copy//

Sub Assistant Registrar

tk/bkn
To

The Additional District Sessions Judge,
Fast Track Judge - II,
Poonamallee.

Copy to
The section officer,
VR Section,
High court
Madras

+2cc to Ms. Sheila Jayaprakash , Advocate SR.No. 8634, 8633

C.M.A.NOS.709 AND 710 OF 2010
AND M.P.NOS.1 AND 1 OF 2010

A.SK(28/01/2019)



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