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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2018

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THE HON'BLE MR.JUSTICE R.SUBBIAH

and

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.3324 of 2013

and

M.P.No.1 of 2013

V.Gowri

... Appellant/Respondent

Vs.

V.Raju

... Respondent/Petitioner

Civil Miscellaneous Appeal has been filed under Section 19 of the Family Courts Act, against the order dated 01.12.2011 made in O.P.No.240 of 2008 passed by the II Additional Family Court at Chennai.

For Appellant : Mr.N.U.Prasanna

For Respondent : Mr.G.Saravanan

JUDGMENT

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

This appeal has been filed against the order dated 01.12.2011 made in O.P.No.240 of 2008 passed by the II Additional Family Court at Chennai.

2. The appellant herein is the wife and the respondent herein is the husband. The marriage between the appellant and the respondent was solemnised on 24.08.2001 at G.R.Kalyana Mandapam, Moolakadai, Chennai as per Hindu rites and customs. Subsequently, there was misunderstanding between the husband and wife. Hence, the respondent/ husband filed O.P.No.240 of 2008 for divorce on the ground of cruelty under Section 13(1) (ia) of Hindu Marriage Act for dissolution of marriage. The said petition was allowed by the II Additional Family Court, Chennai, by order dated 01.12.2011. Aggrieved over the same, the appellant/wife has filed the present Appeal.

3. Today, when the matter is taken up for consideration, learned counsels appearing on either side submitted that the



dispute between the parties was amicably settled between themselves and they mutually agreed for dissolving the marriage held on 24.08.2001. Both the parties are present before this Court. They have also filed a joint memo of compromise dated 25.04.2018 before this Court signed by them along with their respective counsels. The said joint memo of compromise reads as follows:

1. The appellant has filed the above Appeal against the decree and judgment passed in OP.240/2008 dated 01.12.2011 passed by the learned II Additional family Court, Chennai granting divorce as prayed for in favour of the respondent herein.

2. It is submitted that in the above appeal, both the appellant and the respondent herein agreed to settle the matter among themselves and as such the present Joint Memorandum of Compromise is being filed.

3. The respondent agrees to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) on or before 30.04.2018 and a further sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousands only) on or before 31.07.2018 aggregating in all to Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousands only) by way of account transfer to the account maintained by the Appellant with State Bank of India, Gill Nagar Branch, in SB Account No.34532079609, CIF No.88013844130 and the IFSC Code.SBIN0007991 and the appellant also agrees to receive the same accordingly.

4. The appellant agrees to withdraw the Criminal Revision case in Crl.R.C.No.569/2012 on the file of this Hon'ble Court filed by her against the order of acquittal passed in CA.239/2005 dated 20.03.2006 on the file of the Learned VI Addl. Sessions Judge, City Civil Court, Chennai.

5. The appellant agrees that the aforesaid sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousands only) shall be in full quit of all the maintenance claims of the appellant against the respondent.

6. The appellant hereby agrees that the decree of divorce granted in OP.240/2008 dated 01.12.2011, the subject matter of the above appeal, may be confirmed and the above appeal may be dismissed.

7. On payment of the above said sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) as stipulated under the compromise, there



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shall be no claim or counter claim between the parties in future.

The appellant & the respondent therefore pray that this Hon'ble Court may be pleased to record the Compromise Memo and direct the same to be part and parcel of the decree in the above appeal, dispose of the appal in terms of this Compromise Memo and pass such further or other orders as may be deemed fit and thus render justice.

4. In view of the joint memo of compromise filed by the parties dated 25.04.2018, the civil miscellaneous appeal is dismissed confirming the order and decree dated 01.12.2011 passed by the II Additional Principal Judge, Chennai, in O.P.No.240 of 2008. The joint memo of compromise dated 25.04.2018 shall form part of the decree. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To
The II Additional Principal Judge,
Family Court,
Chennai.

+1cc to M/s.Sai Bharath, Advocate SR.NO.53114

RK(co)
eu:27.11.2018

C.M.A.No.3324 of 2013