

IN THE HIGH COURT OF JUDICATE AT MADRAS

DATE : 16.04.2018

CORUM

THE HON'BLE MR.JUSTICE R.SUBBIAH
and
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

C.M.A.No3580 of 2012

T. Amutha Appellant/Respondent
Vs.
S.C. Sasidhar Respondent/Petitioner

Civil Miscellaneous Appeal has been filed under Section 28 of Hindu Marriage Act against the order and decree dated 30.12.2011 in H.M.O.P.No.39 of 2005 passed by the Family Court at Coimbatore.

For Appellant : Mr.K. Thilageswaran
For Respondent : Mr.D. Prasanna

JUDGMENT

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

The marriage between the Appellant/wife and the Respondent/husband was solemnized on 27.08.2004 as per Hindu Rites and customs. Subsequently, due to matrimonial disputes, the Respondent/husband has filed a petition in H.M.O.P.No.39 of 2005 before the Family Court at Coimbatore under Section 12(1) (c) of the Hindu Marriage Act, seeking annulment of the marriage. The said H.M.O.P was allowed by the Family Court, Coimbatore by order dated 30.12.2010. Aggrieved over the same, the present appeal has been filed by the Appellant/wife.

2. Today, when the matter is taken up, both the parties appeared along with their respective counsel and they filed a joint compromise memo, dated 16.04.2018, stating that they have amicably resolved the disputes among themselves. The parties have also agreed for dissolution of the marriage. The terms and conditions mentioned in the joint compromise memo read as follows:

" 1. The above C.M.A is filed by the Appellant herein against the order of the Learned Family Court Judge, Coimbatore dated 30.12.2011 allowing H.M.O.P No.3580 of 2012 in favour of the Respondent

herein.

2. While so, during the pendency of the above C.M.A both parties mutually agreed to settle the issue and the Respondent herein has offered to pay a total sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) as one time alimony/settlement and the Appellant has accepted the said offer.

3. It is further submitted that the Respondent is paying a sum of Rs.5,00,000/- (Rupees Five Lakhs only) today (27.03.2018) towards part payment through his father Mr.P.G. Venkatesan by way of Demand Draft vide D.D.No.899138 dated 26.03.2018 drawn in State Bank of India, Peelamedu Branch favouring the Appellant herein.

4. It is also agreed between the parties that the balance amount of Rs.10,00,000/- (Rupees Ten Lakhs only) will be paid to the Appellant on or before 16.04.2018 by way of Demand Draft.

It is therefore prayed that this Hon'ble Court may be pleased to take this Memo on record and pass suitable and necessary Orders and thus render justice.

3. In view of the Memorandum of Understanding, The Respondent/husband has agreed to make a full and final settlement to a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) to the Appellant/wife. The Appellant/wife has agreed to receive the said full and final settlement amount. Out of the said amount the Respondent/husband has paid a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) on 27.03.2018 towards part payment through his father Mr.P.G. Venkatesan by way of Demand Draft vide D.D.No.899138 dated 26.03.2018 drawn on State Bank of India, Peelamedu Branch favouring the Appellant/wife. That apart, today, the Respondent/husband has paid a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) through his father Mr.P.G. Venkatesan by way of Demand Draft vide D.D.No.899275 dated 11.04.2018 drawn on State Bank of India, Sarvajana HSS Peelmedu Branch favouring the Appellant herein. The Appellant/wife relinquishes her right to claim maintenance and alimony for her. Both the parties agree that there is no other or further claims filed or pending in any court or authority.

4. Recording the above said Joint Compromise Memo, this Appeal is dismissed in terms of the joint compromise memo and the impugned order passed by the Family Court, Coimbatore dated 30.12.2011 in H.M.O.P.No.39 of 2005 dissolving the marriage between the Appellant and the Respondent solemnized on 27.08.2004 is hereby confirmed. The joint compromise Memo shall form part of this judgment. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

sr
To

The Judge
Family Court
Coimbatore.

+1 CC to Mr.K. Thilageswaran, Advocate sr 28310.
+1 CC to Mr. Giridhar & Sai, Advocate sr 28937.

C.M.A.No.3580 of 2012

KGK(CO)
GSP(03/07/2018)



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