



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

C.M.A(MD)NO.1107 OF 2016
and
C.M.P(MD)No.9931 of 2016

S.Rajbarath :Appellant/Petitioner

.vs.

T.Malathi @ Hepsiba Malathi : Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act praying this Court to set aside the fair and decretal order made in D.O.P.No.99 of 2015, dated 29.08.2016, on the file of Family Court, Tirunelveli.

For Appellant :M/s.G.Prabhu Rajadurai
For Respondent :Mr.V.Balaji

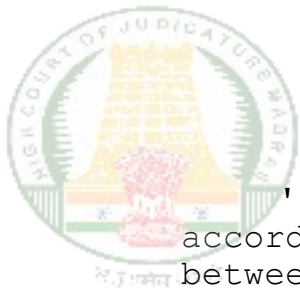
JUDGEMENT

[Judgement of the Court was made by K.RAVICHANDRABAABU,J.]

This Civil Miscellaneous Appeal is filed by the husband, who lost before the Family Court, in seeking divorce against the respondent/wife.

2.It is stated that during the pendency of the present appeal, the parties were negotiating for a compromise. Accordingly, the matter is listed today under the caption ''for reporting compromise''.

3.Today, a Joint Memo of Compromise, dated 25.04.2018 is filed before this Court, signed by both the parties as well as their respective counsels. The appellant as well as the respondent are also present before us in person, who informed this Court that they have agreed to the terms of compromise and signed the above said Joint Memo of Compromise. Therefore, the parties as well as their respective counsels seek for disposal of the above Civil Miscellaneous Appeal in terms of the above Joint Memo of Compromise. The said Joint Memo of Compromise reads as follows:

JOINT MEMO OF COMPROMISE

1. The Appellant and the Respondent married in accordance with Christian Law on 14.11.13. The marriage between them is not consummated and that they are separated from 15.2.2015. There is no child born out of the marriage. The Appellant filed application for dissolution of marriage under Divorce Act, 1869 in I.D.O.P.No.99 of 2015 before the Honourable Family Court, Tirunelveli.

2. The Honourable Family Court, Tirunelveli by its order, dated 29.8.2016 dismissed the above Petition for dissolution of marriage. Against such decree, the Appellant has filed the above appeal.

3. The parties after mutual discussion agree between themselves to dissolve their marriage by a decree of this Honourable High Court on mutual consent.

4. In full and final settlement of all claims of maintenance and any other claim, the Appellant pays to the Respondent a sum of Rs.5,50,000/- (Rupees Five Lakhs and Fifty Thousand only) vide Demand Draft No.409596, dated 19.3.2018 and No.409752, dated 23.4.2018 and the Respondent on receiving the same acquits the appellant from all claims either past or future maintenance and all other claims.

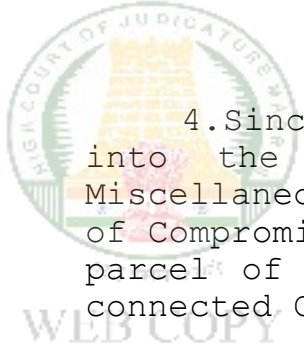
5. The Appellant has already returned all the jewels and all the articles of the Respondent to the Respondent which the Respondent acknowledges herewith.

6. The Respondent returns the ''Thaali'' with Chain (7 sovereigns of gold) given by the Appellant at the time of marriage to the Appellant and on receiving the same, the Appellant acquits the Respondent on all the claims either in present or in future in view of their marriage.

7. The Respondent has filed an unnumbered suit against the Appellant before the Honourable Family Court, seeking a compensation of Rs.20,00,000/-. The said suit was rejected and against which the Appellant has filed a Civil Revision Petition before this Honourable Court in C.r.P(MD)No.776 of 2018 and the same is pending. The Respondent agrees to withdraw the said Civil Revision Petition and the suit unconditionally by the terms of compromise and discharges this Appellant against any claim under the said suit. The Appellant has no objection for the refund of court fee paid by the Respondent in the suit.

8. The parties have to bear their costs of the litigation.

9. The parties pray that their marriage may be dissolved by a decree of divorce on mutual consent and render justice.''



4. Since the parties have settled the matter by way of entering into the above said Joint Memo of Compromise, this Civil Miscellaneous Appeal is disposed of in terms of the above Joint Memo of Compromise. The Said Joint Memo of Compromise shall form part and parcel of this order as well as decree. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

Enclosure: Xerox Copy of the Joint Compromise Memo

To

The Judge,
Family Court,
Tirunelveli.

Copy to:

The Record Keeper,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

+1cc to M/S.G.Prabhu Rajadurai, Advocate SR.No. 63692

JUDGEMENT MADE IN
C.M.A (MD) NO.1107 OF 2016
and
C.M.P (MD) No.9931 of 2016
25.04.2018

vsn

JM/RP/SAR 4/29.08.2018/3P/5C