



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.09.2018

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

C.M.A(MD)No.451 of 2017

and

C.M.P(MD)No.4819 of 2017

Alice Punitha

.. Appellant/Respondent

Vs.

Victor Lourdhuraj

.. Respondent/Petitioner

Prayer : Civil Miscellaneous Appeal is filed under Section 19 of Family Court Act, against the judgment and decree dated 28.04.2017 passed in D.O.P.No.29 of 2017 on the file of the Family Court (II Additional District Judge) (FAC), Tirunelveli and set aside the same.

For Appellant : Mr.G.Prabhu Rajadurai
For Respondent : Mrs.S.Sathiyaseela

JUDGMENT

[Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.]

This Civil Miscellaneous Appeal is filed challenging the judgment and decree dated 28.04.2017 passed in D.O.P.No.29 of 2017 on the file of the Family Court (II Additional District Judge) (FAC), Tirunelveli.

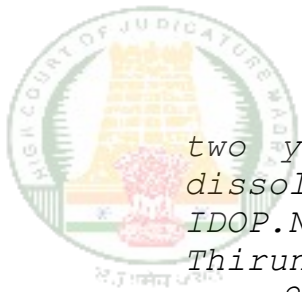
2. Earlier, the matter was referred to the Mediation and Conciliation Centre with the consent of the parties. But, before the Mediation and Conciliation Centre, the parties were not willing to participate in the mediation and a report dated 23.07.2018 has also been filed to that effect.

3. Now the parties have entered into a compromise, which is reduced to writing. The terms of the joint memo of compromise dated 06.09.2018, are as follows:

"The Appellant and the Respondent have compromised the dispute between them, which is the subject matter of the above appeal and the terms of the compromise as stated as under:

1.The Appellant and Respondent married in accordance with Christian Law on 31.01.2010. The marriage between

them is not consummated that they are separated from past



two years. The Respondent filed application for the dissolution of marriage under Divorce Act, 1869 in IDOP.No.29 of 2017 before the Hon'ble Family Court, Thirunelveli.

2.The Hon'ble Family Court, Thirunelveli by its order dated 28.04.2017 granted the Divorce.

3.The Respondent has already returned all the jewels and all the articles of the Appellant to the Appellant.

4.The Respondent agrees that the Appellant have no issues. Between the respondent and the Appellant have no children.

5.The Appellant agrees to submit for decree of Divorce of the Marriage between the Appellant and the Respondent. Accordingly, the Respondent has got for a decree of Divorce on cruelty and desertion ground in IDOP.No.29/2017 in Family Court at Thirunelveli.

6.The Respondent has been giving maintenance Rs.13500/- to the Appellant in M.C.8./2017 and without fail up to august 2018.

7.The Appellant agrees to withdraw the Petition for Appeal in C.M.A(MD)No.451/2017 at High Court of Judicature at Madras Madurai Bench pending before the Hon'ble Court.

8.The Appellant agrees that, She will not claim any maintenance of compensation or movable or immovable properties of claims from the Respondent and the Appellant acquits the Respondent from all claims of compensation or domestic rights.

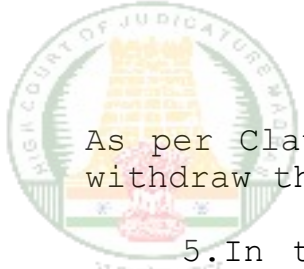
9.The Appellant has got full and final settlement of all claims of maintenance, the Respondent pays to the Appellant a sum of Rs.12 lakhs (D.D.No.148936 and D.D.No.148937 from Karur Vysya Bank, Ashok Nagar Branch, Chennai) and the Appellant on receiving the same acquits the Respondent from all claims either past or future maintenance and all other claims.

10.The Appellant and the Respondent agrees that they have no claim against each other in respect of articles and maintenance or anything against each other.

11.The parties will bear their cost. The parties pray that the order dated by Family Court, Thirunelveli be confirmed and CMA(MD)No.451 of 2017 be dismissed in the above terms.

12.To pass any other order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus."

4.The joint memo of compromise, dated 06.09.2018, filed by the parties, counter-signed by their counsel, is taken on record.



As per Clause -7 of the compromise memo, the appellant agrees to withdraw this Civil Miscellaneous Appeal.

5. In the result, the Civil Miscellaneous Appeal is disposed in terms of the joint compromise memo filed by the parties. The decree of divorce granted by the Family Court, Tirunelveli in D.O.P.No.29 of 2017, dated 28.04.2017, is confirmed. The said joint compromise memo, dated 06.09.2018, shall form part of the decree. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS-I)

To:

1. The Judge,
Family Court, Tirunelveli.
2. The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1 CC To MR.S.SATHIYA SEELA, Advocate SR. NO.82627

+1 CC To MR.G.PRABHU RAJADURAI, Advocate SR. NO.82897

Judgment made in
C.M.A(MD)No.451 of 2017
06.09.2018

PM

TR/sv/SAR-I(03.10.2018)3P 6C