



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2018

CORAM:

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

C.M.A[MD].No.291 of 2015

R.Moorthy : Appellant

Vs.

A.Anandhi : Respondent

PRAYER: Appeal is filed under Section 19 of the Family Courts Act, 1984, against the order and decree dated 03.09.2014 made in H.M.O.P.No.256 of 2007 on the file of Family Court, Madurai.

For Appellant : Mr.J.Anandkumar

For Respondent : Mr.C.Vakeeswaran

JUDGEMENT

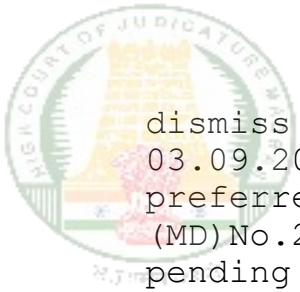
**[Judgement of the Court was delivered by
K.RAVICHANDRABAABU, J]**

This appeal is filed by the husband challenging the Judgment and decree passed by the Family Court, Madurai in H.M.O.P.No.256 of 2007, dated 03.09.2014, in dismissing his petition for divorce.

2. When this appeal was listed on earlier occasions, it was represented by both sides that the parties are negotiating between themselves for settlement and therefore, they would report the settlement, if sufficient time is granted. Accordingly, the matter was adjourned on two occasions and thereafter, it is listed today for further hearing.

3.Today, a joint compromise memo dated 13.06.2018 is filed before this Court signed by both the parties as well as their counsels. The joint compromise memo reads as follows:-

"1.It is submitted that the marriage between the appellant and the respondent herein took place on 28.05.1990 and they begotten a female child on 27.03.1991. The appellant herein filed an original petition under Section 13 (1) (i-a) of Hindu Marriage Act in H.M.O.P.No.256 of 2007 on the file of the Learned Family Judge, Madurai for divorce on the ground of cruelty. The Learned Judge was pleased to



dismiss the H.M.O.P. by his order and decree dated 03.09.2014. Aggrieved over the same the appellant herein preferred the present Civil Miscellaneous Appeal in C.M.A. (MD)No.291 of 2015 before this Hon'ble Court and the same is pending before this Hon'ble Court.

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2.It is respectfully submitted that pending the above Civil Miscellaneous Appeal both the parties agreed to settled the dispute amicably on the following terms.

(i)The appellant herein agreed to give a sum of Rs.20,00,000/- (Rupees Twenty Lacks only) as one time settlement towards permanent alimony to the respondent as well as to the daughter Mamtha.

Pursuant to the same the appellant gave the respondent on 02.03.2018 a sum of Rs.10,00,000/- (Rupees Ten Lacks only) and remaining sum of Rs.10,00,000/- (Rupees Ten Lacks only) will be paid by the appellant on the hearing date before of this Hon'ble Court on 13.06.2018.

(ii)The respondent already withdrawn the cases filed against the appellant in C.C.No.637 of 2017 pending on the file of Learned Judicial Magistrate, Vadippatti, Madurai District and a maintenance case in M.C.No.21 of 2017 pending on the file of the Learned Additional Chief Judicial Magistrate, Madurai and a suit for partition filed by the daughter namely Mamtha in O.S.No.197 of 2017 pending on the file of the Learned Additional Chief Judicial Magistrate, Madurai and a suit for partition filed by the daughter namely Mamtha in O.S.No.197 of 2017 pending on the file of the Learned Sub-Judge, Thirumangalam, Madurai District.

3.The respondent submits that on such terms, is willing to consent for divorce.

4.The respondent will not claim any further maintenance from the appellant and any right over the properties of the appellant.

5.The respondent submits that since the respondent received the sum from the appellant, willing to forgo any future claim, maintenance and right over the properties of the appellant. And daughter Mamtha will not claim any share at any point of time in the properties of the appellant in future.

Therefore, it is prayed that this Hon'ble Court may be pleased to accept the compromise memo entered between the parties in C.M.A. (MD)No.291 of 2015 and grant divorce to the appellant by allowing the present Civil Miscellaneous Appeal and thus render justice.



Dated at Madurai on this the 13th day of June, 2018. "

4.The appellant as well as the respondent are personally present before this Court and when this Court put the question to them as to whether they agreed for the compromise, as reduced into writing in the form of compromise memo, they informed that they agreed for such compromise and signed the same.

5.The learned counsels appearing on either side submit that as per one of the terms of the compromise, the remaining sum of Rs.10 lakhs is also paid by the appellant to the respondent today. The receipt of such payment is also acknowledged by the respondent herself. Therefore, both parties as well as their respective counsel seek for disposal of the Civil Miscellaneous Appeal by granting the decree of divorce and in terms of the compromise memo.

6.Accordingly, this Civil Miscellaneous Appeal is disposed of in terms of the above compromise memo by granting decree of divorce to the appellant. The said compromise memo shall form part of the decree. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1.The Judge,
Family Court,
Madurai.

2.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+1CC to Mr.J.Anand Kumar, Advocate in SR.No.68181.

+1CC to Mr.C.Vakeeswaran, Advocate in SR.No.68080.

RJ2/LS
DS/SV/SAR-2 :23.07.2018: 3P/6C

C.M.A[MD].No.291 of 2015
13.06.2018