



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2018

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.1029 of 2017

and

C.M.P (MD) No.4594 of 2017

Agnes Anitha

... Petitioner/Petitioner
/ Respondent

vs.

S.Joseph Theo Sathish

... Respondent/Respondent/
Petitioner

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 08.11.2016 made in I.A.No.304 of 2016 in I.D.O.P.No.61 of 2015 on the file of the Family Court, Madurai.

For Petitioner : Mr.K.Vijayanand
For Respondent : Mr.V.Sasikumar

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order passed by the Family Court, Madurai, in I.A.No.304 of 2016 in I.D.O.P.No.61 of 2015 dated 08.11.2016.

2. The facts of the case are that the respondent herein/husband has filed I.D.O.P.No.61 of 2015, against the petitioner/wife, for a decree of divorce and in the meanwhile, the petitioner has filed I.A.No.304 of 2016, seeking interim maintenance for herself as well as litigation expenses. The said interlocutory application seeking interim maintenance as well as litigation expenses was dismissed by the Court below by an order dated 08.11.2016 and challenging the same, the present civil revision petition came to be filed.

3. During the course of arguments, before this Court, the learned Counsel appearing for the petitioner as well as respondent submitted that there was some possibility to settle the matter and therefore, prayed to refer the matter for mediation. In view of the same, this Court, by an order dated 30.11.2017, has referred the matter to the Mediation and Conciliation centre attached to this bench. Pursuant to the same, mediation was effected and the matter



was settled between the parties. In this regard, a mediation report dated 03.01.2018, signed by both the parties as well as their respective Counsel, was submitted before this Court.

4. Perusal of the mediation report would show that the following settlement has been entered into between the parties:

"(i) The petitioner and the respondent have agreed to get divorce on mutual consent by recording compromise before the Family Court, Madurai in I.D.O.P.No.61 of 2015;

(ii) The petitioner has agreed to withdraw the Criminal case filed against the respondent/husband and his family members in C.C.No.30 of 2016 on the file of the Judicial Magistrate level Additional Mahila Court, Madurai;

(iii) The petitioner has agreed to get a lump sum as one time payment of maintenance of Rs.75,000/- (Rupees Seventy Five Thousand only) from the respondent, the respondent also agreed the same; and

(iv) Both parties have agreed that this is the final settlement between the parties therefore no further claim would be raised against each other in future."

5. In view of the same, this civil revision petition is disposed of, directing both the petitioner as well as respondent to strictly adhere as to the terms of the settlement arrived at between them. The mediation report dated 03.01.2018, shall form part and parcel of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Judge, Family Court,
Madurai.

+ 2 CC TO Mr.V.SASIKUMAR, ADVOCATE IN SR No. 53794

GK

TE/KKR/SAR-4 : 09/03/2018 : 2P/4C