



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.02.2018

CORAM :
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

CRP(PD) (MD) No.1500 of 2017
and
CMP(MD) No.8038 of 2017

J.Pandeeswari

... Petitioner

vs.

K.Anandha Kumar

... Respondent

Petition filed under Article 227 of the Constitution of India, to call for the records and set aside the fair and decreetal order passed by the Court of the Subordinate Judge, Virudhunagar, in I.A.No.74 of 2016 in H.M.O.P.No.121 of 2015 on 15.02.2017.

For Petitioner : Mr.G.Marimuthu
For Respondent : Mr.I.Suthakaran

ORDER

By order dated 15.02.2017 made in I.A.No.74 of 2016 in H.M.O.P.No.121 of 2015, the learned Subordinate Judge, Virudhunagar, has directed the respondent to pay a sum of Rs.1,000/- towards interim maintenance to the petitioner and Rs.3,000/- to her minor son and also Rs.10,000/- to the petitioner towards litigation expenses. Seeking enhancement of interim maintenance, the revision petitioner/wife has filed this revision petition.

2.Considering the circumstances of the case, the parties were directed to appear before this Court on 15.11.2017 and they were mediated by me and the parties came forward to settle the matter amicably.

3.Today, a memorandum of settlement dated 05.02.2018 signed by the petitioner and respondent and their respective learned counsel has been produced before this Court, stating that the parties have settled out the matter between themselves.

4.The terms of memorandum of settlement dated 05.02.2018 are extracted hereunder:-

'Memorandum of Settlement

That the Civil Revision Petition has been filed against the order dated 15.02.2017 made in I.A.No.74 of 2016 in H.M.O.P.No.121 of 2015 on the file of learned Sub Judge, Virudhunagar. The learned Sub Judge has ordered interim maintenance of Rs.3,000/- per month to the petitioner and her minor son and challenging the said



quantum of maintenance and for enhancement the above revision petition filed by the petitioner/wife. While pending the above revision petition, the petitioner/wife and the respondent/husband has arrived compromise in the following terms of settlement and they are reproduced herein below:-

(a) That the parties have mutually agreed to settle the issue between them by the respondent/husband paying the petitioner/wife a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) in total and out of the same Rs.5,00,000/- (Rupees Five Lakhs) was deposited in the name of minor namely, Kavinesh in saving bank account No.6589683549 in Indian Bank High Court Branch, Madurai and balance Rs.2,00,000/- (Rupees Two Lakhs only) is paid to the petitioner/wife directly today.

(b) That this full and final settlement has been mutually arrived at between the parties to the above revision petition and thereby the parties mutually agreed that they shall not make any future or further claim against each party in respect of the present subject lis.

(c) It is agreed that the above said payment is being made by the respondent/husband only with a view to put a quietus to the dispute and in no manner suggest any kind of admission/acknowledgment of any allegations made in the pleadings filed by the petitioner/wife in H.M.O.P.No.121 of 2015 on the file of learned Sub Judge, Virudhunagar and petition filed D.V.C.No.1 of 2017 on the file of learned Judicial Magistrate No.II, Virudhunagar.

(d) That the parties pray to the Hon'ble High Court to set aside the order dated 15.02.2017 passed by the learned Sub Judge in I.A.No.74 of 2016 in H.M.O.P.No.121 of 2015.

(e) That the present compromise settlement the constitute withdrawal of the complaint filed in DVC.No.1 of 2017 on the file of learned Judicial Magistrate No.II, Virudhunagar.

(f) That the parties pray to this Hon'ble Court pleased to pass suitable order directing the learned Sub Judge, Virudhunagar to grant decree of divorce to the petitioner/wife and respondent/husband by setting aside the marriage solemnized between them on 25.05.2014.

(g) That the respondent/husband is agreed to pass suitable order enabling the petitioner/wife to receive the interest once in a three months from the saving account No.6589683549 deposited in the name of minor namely KAVINESH with the Indian Bank, High Court Branch, Madurai.

(h) That the petitioner/wife is agreed to pass order not to close the saving account No.6589683549 till attaining age of majority by the minor namely KAVINESH and after attaining majority the petitioner/wife is at liberty to withdraw the same.

(i) That the parties are agreed on production of this



memorandum of settlement along with the final order passed in this revision petition the learned Sub Judge, Virudhunagar, and the learned Judicial Magistrate No.II, Virudhunagar will pass suitable orders on the pending proceedings before them.

That the petitioner/wife and the respondent/husband have fully understood the present terms and they have entered into the same of their own free volition and without any coercion, undue influence or the life. The parties are competent to enter into the present agreement.

That the parties shall remain bound by the terms of the present terms at all times.

Dated at Madurai on this the 5th day of February 2018.'

5.By virtue of said settlement, the respondent/husband has paid Rs.7,00,000/- out of which, Rs.5,00,000/- was deposited in the name of minor child Kavinesh in Savings Bank Account No.6589683549, Indian Bank, High Court Branch, Madurai and balance amount of Rs.2,00,000/- was paid to the petitioner in cash. The interest accruing on the deposit of Rs.5,00,000/- stands in the name of minor child Kavinesh, shall be paid to the petitioner/mother of minor child once in three months till the minor child attains majority. The parties are directed to adhere to the above memorandum of settlement.

6.In view of the memorandum of settlement dated 05.02.2018 produced before this Court, this Civil Revision Petition is disposed of and the terms of memorandum of settlement shall form part and parcel of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

ENCL: XEROX COPY OF MEMORANDUM OF SETTLEMENT

To
The Sub Judge,
Virudhunagar.

Copy to:
The Manager, Indian Bank, High Court, Madurai.

+1cc to Mr.M.JOTHIBASU, Advocate, SR. 46115
+1cc to Mr.L.SUTHAKARAN, Advocate, SR. 46312

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