



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.9702 of 2016

and

W.M.P. (MD)Nos.7711 of 2016 and 3661 of 2017

Bhuvaneswari

... Petitioner

-Vs-

1. The Managing Director,
Tamil Nadu Industrial
Investment Corporation Limited,
No.692, Anna Salai, Nanthanam,
Chennai.

2. The Branch Manager,
Tamil Nadu Industrial
Investment Corporation Limited,
Arcod Woodland,
No.1, Bharathi Road,
Cuddalore & District.

3.V.Dhandayuthapani

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to disburse the retirement benefits of the petitioner's husband, the third respondent herein to the petitioner on the basis of the petitioner's representation dated 19.05.2016 within a time frame as may be fixed by this Court.

For Petitioner	: Mr.G.Ramanathan
For R1 and R2	: Mr.S.Murugan
For R3	: Mr.V.K.Vijayaragavan

ORDER

The prayer sought for in the writ petition is for a Writ of Mandamus, directing the respondents 1 and 2 herein to disburse the retirement benefits of the petitioner's husband, the third respondent herein to the petitioner on the basis of the petitioner's representation dated 19.05.2016 within a time frame

as may be fixed by this Court.

2. Heard Mr.G.Ramanathan, learned counsel appearing for the petitioner, Mr.S.Murugan, learned counsel appearing for the respondents 1 and 2 and Mr.V.K.Vijayaraghavan, learned counsel appearing for the third respondent.

3. Though the writ petition was filed with the aforesaid prayer, already an order of injunction was passed injuncting the respondents 1 and 2 from disbursing any retirement benefits of the third respondent during the pendency of the writ petition. Today, when the matter is taken up for hearing, the learned respective counsel appearing for the parties have made a joint request that a compromise has been entered between the parties, i.e., the petitioner as well as two major children of the petitioner and the third respondent.

4. The short facts, which are leading to file this writ petition is that, the third respondent is the husband and the petitioner is the wife. The third respondent is the employee of the first and second respondents. The petitioner and the third respondent is having one male child and one female child. Both are majors as of now. Due to some misunderstanding, they had been living separately, of course, without any judicial separation in the eye of law. Therefore, in order to get the retirement benefits from the third respondent, the petitioner filed M.C.No.53/2011 before the concerned Court and in the meanwhile, since the third respondent is reaching the age of superannuation, in order to retain or withhold the retirement benefits for the purpose of claiming the same, the petitioner filed this writ petition, where the said interim order was passed.

5. Now, the learned counsel appearing for the parties have stated that a Memo of Compromise has been filed and a compromise has been entered into between the petitioner and the third respondent as well as two major children namely, D.Sindhuja and D.Harinath. In the said compromise memo, all the parties have signed including the learned counsel for the petitioner and the third respondent.

6. The learned counsel for the parties would submit that by recording the said compromise, this writ petition may be disposed of with a direction that all the parties herein would act upon as per the terms of the compromise.

7. Considering the said submission made by the learned counsel for the parties and having taken note of the said memo of compromise, by recording the same as extracted hereunder, this writ petition is disposed of with a direction that all the parties herein shall act as per the terms of the said compromise:-



"IN THE HIGH COURT OF JUDICATURE MADRAS
MADURAI BENCH
(Special Original Jurisdiction)
W.P. (MD) No.9702 of 2016

D.Bhuvaneswari

.. Petitioner.

-Vs.-

WEB COPY

- 1.The Managing Director,
TIIC, Chennai.
- 2.The Branch Manager,
TIIC, Cuddalore.
- 3.V.Dhandayuthapani

... Respondents.

MEMO OF COMPROMISE

The petitioner is the legally wedded wife of the 3rd respondent. Out of lawful wedlock, they got two children viz. Ms.D.Sindhuja (aged 25 years) and Mr.D.Harinath (aged 22 years). Due to misunderstanding in the family, the petitioner has filed petition claiming maintenance as against the 3rd respondent in M.C.No.53/2011 on the file of the Judicial Magistrate Court No.1 at Thanjavur. As there was arrears of maintenance to be paid by the 3rd respondent and as he was in the verge of retirement, the petitioner has filed W.P.(MD)No.9702/2016 on the file of this Hon'ble Court for a direction to the respondents 1 and 2 to disburse the terminal benefits of the 3rd respondent on the basis of her representation dated 19-05-2016. This Hon'ble Court has granted interim injunction restraining the respondents 1 & 2 from disbursing the terminal benefits due to the 3rd respondent in W.M.P.(MD) No.7711/2016 dated 2-6-2016.

Now on the advise of the elders and well wishers in the family, the petitioner, the 3rd respondent and their two children have decided to resolve their dispute and entered into amicable settlement as follows and order may be passed according to compromise.

THE TERMS OF COMPROMISE

1.The petitioner and her two children in full quit of all their claim agree to receive the following amounts from the 3rd respondent. The petitioner has to be paid Rs.3,00,000/- and her two children, each is entitled to Rs.2,50,000/- from the terminal benefits of the 3rd respondent.

2.The respondents 1 and 2 may be directed to issue demand draft for the above said amount in the name of the petitioner and in the name of two children viz., Ms.D.Sindhuja and Mr.D.Harinath.

3.The respondents 1 and 2 after the above



disbursement may be directed to pay the balance amount to the 3rd respondent directly in his bank account within a period of two weeks from the date of receipt of the order passed by the Hon'ble court in the above writ petition.

4.The petitioner undertakes not to claim any maintenance in future from the 3rd respondent.

5.The 3rd respondent's daughter Ms.D.Sindhuja and son Mr.D.Harinath who are employed have agreed not to claim any maintenance in future from the 3rd respondent.

6.The petitioner, Ms.D.Sindhuja and Mr.D.Harinath undertake not to claim any maintenance in future as per the order passed in M.C.No.53/2011 by the Judicial Magistrate No.1 at Thanjavur dated 6-8-2012 as confirmed by this Hon'ble Court in CrI.R.C.No.501/2012 dated 22-9-2015.

Dated at Madurai this the 10th day of April, 2018.

Petitioner. 3rd Respondent.

Ms. Sindhuja Mr. D.Harinath.

Counsel for Petitioner. Counsel for 3rd Respondent.."

8.In view of the compromise entered between the petitioner and the third respondent as well as their children, the first and second respondents, being the employers of the third respondent shall disburse the retirement benefits of the third respondent as per the terms of the compromise, by way of Demand Draft and pay the same to the parties directly, after getting necessary acknowledgement, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

+ 2 ccs TO Mr.M.R.S.Prabhu , Advocate in SR No. 63171

+ 1 cc TO Mr.R.Saravanan , Advocate in SR No. 63090

Myr

AE/SV MMS/SAR3/15.05.2018/4P/4C