



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07 .2018

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CMA(MD)No.551 of 2013

N.Ramesh Babu

... Appellant

vs.

Santhanam

... Respondent

Appeal filed under Section 47 of the Guardians and Wards Act, against the judgment and decree made in G.W.O.P.No.94 of 2009 on the file of the Principal District Court, Dindigul, dated 18.02.2011.

For Appellant

: Mr.H.Thayumanaswamy

For Respondent

: Mr.J.Gunaseelan Muthiah

JUDGMENT

The present appeal has been filed against the judgment and decree dated 18.02.2011 made in G.W.O.P.No.94 of 2009 on the file of the Principal District Court, Dindigul.

2.The appellant married one Beaula Ananthi, who is the daughter of the respondent herein. Out of the wedlock, a female child namely, Jeni Reshma was born on 03.11.2007. While so, in a road accident, the said Beaula Ananthi died. After the death of Beaula Ananthi, the female child was under the custody of her maternal grandparent namely, the respondent herein. When the appellant demanded custody of the child with him, the respondent refused for the same. Hence, the appellant filed G.W.O.P.No.94 of 2009 on the file of the Principal District Court, Dindigul, and the same was dismissed, against which, the appellant has filed this appeal.

3.Today, a joint compromise memo dated 03.07.2018 has been filed by the parties stating that they have amicably settled the issue on the following terms and conditions:-

'a.The appellant/father will not disturb the respondent's custody of the minor child namely Jeni Rashma.

b.If the child is willing to visit the father's house during her minority, this respondent should not prevent the same.



c. After obtaining majority the child is entitled to decide with whom she will reside.

d. The household articles belonging to deceased wife will be returned by the appellant herein to the respondent within a week from today. The respondent undertake to hand over the articles to the child on her attaining majority and the child will be absolute owner of the said household articles.

e. If the appellant/father is prepared to take back the child, whenever the child decides to reside or live with the father and the respondent should not object to it.

f. In view of the above terms of compromise the C.M.A. may be closed. ''

4. The appellant as well as the respondent shall adhere to the terms of the joint compromise memo. In view of the joint compromise memo dated 03.07.2018 signed by the appellant, respondent and their respective counsel, the present appeal is closed. No costs. The joint compromise memo shall form part of the record.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-IV)

Encl: Xerox copy of joint compromise memo
To

The Principal District Judge,
Dindigul.

BALA

VB/KAK/SAR4/09.08.2018/2P/2C

CMA (MD) No. 551 of 2013
02.07.2018