

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2019

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.M.S.A.No.37 of 2003

Shanmugam

... Appellant

.Vs.

Rani Mangammal

...Respondent

PRAYER: Civil Miscellaneous Second Appeal filed under Section 100 of CPC, to set aside the judgment and decree in CMA No.10 of 2002 dated 06.02.2003 on the file of the Additional District Court/Fast Track Court No.II, Cuddalore and allow the appeal by restoring the judgment passed in H.M.O.P. No.160 of 1993, dated 27.11.2001, on the file of the Principal Subordinate court, Cuddalore.

For Appellant : Mr.R. Muralidharan

For Respondent : Ms.R. Mayasundari

JUDGMENT

The present Civil Miscellaneous Second Appeal has been filed by the appellant husband challenging the judgment in CMA No.10 of 2002, dated 06.02.2003, on the file of the Additional District Court/Fast Track Court No.II, Cuddalore, reversing the judgment passed in H.M.O.P. No.160 of 1993, on the file of the Principal Subordinate court, Cuddalore.

2. The appellant's wife, viz., the respondent is living separately from him from 1985 onwards and till date they have not seen each other and the children born to them are grown and settled in life and earning a good income and the appellant has not been taken care of by the sons. The appellant is leading his life with the meagre pension amount of Rs.14,000/- and he has also got other family to take care of by second marriage. Therefore, when the matter came up before this Court on 22.08.2019, this Court had directed the appellant to pay a sum of Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand only) as full and final settlement to the respondent-wife for her livelihood.

3. As per the court order dated 22.08.2019, the appellant has paid the said sum of Rs.3,50,000/- vide DD. NO. 128609, dated 13.09.2019 drawn on State Bank of India,

Thiruppapuliur (Cuddalore) branch, in favour of the respondent-wife, Rani Mangammal, and the respondent's counsel has also made an endorsement towards the receipt of the same.

4. As the said sum ordered by this Court on 22.08.2019 has been paid by the appellant, the respondent has given an undertaking that the petition filed by her for maintenance will not be pressed by her and it is made clear that this amount is the final settlement between the parties and no more claim will be entertained by any Court hereafter. Hence, the respondent is directed to make an endorsement in the lower court that she is withdrawing the Maintenance claim filed by her in M.C.No.4 of 1992, on the file of Judicial Magistrate No.II, Chidambaram, as the matter has been settled in the High Court.

5. Based on the above settlement entered into between the parties as final settlement for livelihood, a sum of Rs.3,50,000/- has been paid by the appellant / husband to the respondent / wife, they agree to live separately as they are living till date. Since the parties are living separately from the year 1985 onwards to till date, there is no possibility of re-union between them. As agreed between the parties, the Civil Miscellaneous Appeal filed by the appellant / husband is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

bga

Copy to

1. Additional District Judge/
Fast Track Court No.II, Cuddalore,

2. Principal Subordinate court, Cuddalore.

3. The Section Officer,
V.R. Section, High Court, Madras.

+1cc to Mr.R. Muralidharan, Advocate SR.No.81230

+1cc to Ms.R. Mayasundari, Advocate SR.No.80999

C.M.S.A.No.37 of 2003

SSV (CO)

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GM (07/01/2020)