

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.M.S.A.No.34 of 2015

Chandramouli .. Appellant/Respondent/Petitioner

Vs.

B.R.Bharathi .. Respondent/Appellant/Respondent

Prayer: Civil Miscellaneous Second Appeal filed under section 100 of CPC r/w. Section 28 of the Hindu Marriage Act) against the judgment and decree dated 27.07.2015 passed in CMA No.6 of 2014 on the file of the Additional District Court, Krishnagiri in reversing the fair and decreetal orders dated 14.03.2014 passed in M.O.P.No.58 of 2005 on the file of the Principal Sub Court, Krishnagiri.

For Appellant : Mr.P.Mani

For Respondent : Mr.A.Sundara Vadhanam

J U D G M E N T

This appeal has been preferred by the appellant against the judgment and decree dated 27.07.2015 passed in CMA No.6 of 2014 on the file of the Additional District Judge, Krishnagiri in reversing the fair and decreetal orders dated 14.03.2014 passed in M.O.P.No.58 of 2005 on the file of the Principal Sub Judge Krishnagiri.

2.Today, when the matter is taken up for hearing, the learned counsel appearing for the appellant as well as the respondent filed a Joint Memo of Compromise before this Court and it is learnt that the respondent has agreed to receive a sum of Rs.5,00,000/- from the appellant/husband. Today, the respondent has received the said amount by way of cash before this Court and she has also acknowledged the receipt of the same.

3. The terms and conditions of the said Joint Memo of Compromise entered into between the parties concerned are extracted below:

JOINT MEMO OF COMPROMISE FILED BY THE APPELLANT AND
THE RESPONDENT

The appellant and the respondent submit as follows:

1.The Appellant filed M.O.P.No.58 of 2005 on the file of the Principal Sub Court, Krishnagiri against the respondent herein to annul the marriage between the appellant and the respondent on 19.05.2003 on the ground of suppression and fraud. The said M.O.P.No.58 of 2005 was allowed on 14.03.2014. Being aggrieved, the respondent preferred the appeal in CMA.No.6 of 2014 on the file of the Additional District Court, Krishnagiri. The lower appellate Court allowed the appeal on 27.07.2015 and set aside the order passed by the trial court. Being aggrieved the appellant filed the above Civil Miscellaneous Appeal before this Hon'ble Court and the same is pending.

2.The appellant and the respondent have now settled the subject matter of the present appeal and arrived at the compromise amicably at the advice of friends and relatives on the following terms:

Terms of Compromise

1.That the marriage between the appellant and the respondent solemnized on 19.05.2003 could be annulled and declared as nullity.

2.That the appellant agreed to pay to the respondent and the respondent agreed to receive from the appellant a sum of Rs.5,00,000/- (Rupees Five Lakhs only) towards all claims whatsoever in full quit and the appellant paid the said sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the respondent today and the respondent hereby acknowledge the receipt of the said amount in cash.

3.That the appellant and the respondent shall not put forward any claim, past or future, whatsoever against each other as husband and wife since the marriage between themselves is annulled and declared as nullity.

4.That the appellant and respondent have already received their respective articles, jewels etc., and they have no claim whatsoever against each other in this regard.

5.That the above Civil Miscellaneous Second Appeal could be allowed, the judgment passed by the Lower Appellate Court could be set aside and the

orders passed by the trial court could be restored.

In the foregoing circumstances, it is prayed that this Hon'ble Court may be pleased to record the present Joint Memo of Compromise and pass necessary orders as this Hon'ble Court may deem fit and necessary and render justice.

Dated at Chennai on this the 22nd day of October 2019.

4. The said Joint Memo of Compromise dated 22.10.2019 entered into between the parties is recorded and it shall form part of the record. Since there is a settlement arrived at between the parties, nothing survives for consideration in this appeal. Accordingly, the C.M.S.A.No.34 of 2015 is disposed of in terms of above said Joint Memo of Compromise dated 22.10.2019. No costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

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To

1. The Additional District Court, Krishnagiri
2. The Principal Sub Court, Krishnagiri

Copy To

The Section Officer,
VR Section,
High Court, Madras.

C.M.S.A.No.34 of 2015

SSV(CO)
GMY(21/02/2020)

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