

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2019

Coram

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR. JUSTICE C.SARAVANAN

C.M.A.No.469 of 2016

T.Karthikesavan .. Appellant/Petitioner

vs.

Sivasankari ... Respondent/Respondent

Appeal filed under Section 19 of the Family Courts Act against the fair and final order dated 24.06.2015 passed by the Principal Family Court Judge, Coimbatore in H.M.O.P.No.599 of 2013.

For Appellant : Mr.T.Mouli

For Respondent : Mr.R.Ganesh Babu

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This appeal is arising out of the order dated 24.06.2015 passed by the Principal Family Court, Coimbatore in H.M.O.P.No.599 of 2013.

2.Heard the learned counsel appearing for the parties. It is submitted that a joint compromise memo dated 26.06.2018 has been signed by the parties duly attested by their respective counsel. As per the aforesaid joint compromise memo, the parties have agreed for divorce by mutual consent and the terms of the joint compromise memo read as under:

1.The appellant/husband herein agreed to pay a sum of Rs.20,00,000/- (Rupees twenty lakhs only) towards the full and quit settlement for future maintenance for the respondent/wife and his minor child K.S.Varsha.

2.The appellant/husband herein agreed to settle the entire full settlement amount on or before 31st October 2018.

3.The respondent/wife agreed to accept the said full and quit settlement amount and say no objection in allowing said main CMA in the event of payment of entire agreed full settlement amount and further agree to withdraw the pending Crl.R.C.No.317 of 2016.

4.The respondent/wife hereby agreed that the minor share amount of Rs.15,00,000/- (Rupees Fifteen lakhs only) may be invested in the name of her minor child in Kisan Vikas Patra (KVP) scheme of the Indian Postal Department.

5.The respondent/wife shall take balance amount of Rs.5,00,000/- (Five Lakhs only) towards future maintenance in full and quit settlement.

6.The appellant/husband hereby agreed that till the payment of entire agreed amount, he will continue to pay the maintenance amount of Rs.4,500/- (Rupees four thousand and five hundred only).

7.The appellant/husband hereby agree that he will return all the shreedhana articles along with 1 ½ sovereign gold jewels to the respondent/wife.

8.The appellant/husband also agrees that the respondent/wife shall retain 4 ½ sovereign thali charadu with thali which was given by the appellant/husband at the time of marriage.

9.Both appellant and respondent hereby agree that there will not be any case and counter claim between themselves in future either in criminal or in civil or in respect of any things whatsoever or rights between them.

3.The aforesaid joint compromise memo dated 26.06.2018 stands recorded. Consequently, the order passed by the Principal Judge, Family Court, Coimbatore in H.M.O.P.No.599 of 2013 dated 24.06.2015 is set aside. There shall be a decree for divorce by mutual consent.

4.Receipt of the demand draft bearing No.924310 dated 21.02.2019 drawn in favour of the respondent for a sum of Rs.5 lakhs and pass book in respect of deposit of Rs.15 lakhs in the post office and the return 1 ½ sovereign gold by the appellant

in favour of the respondent also stand recorded.

5.The Civil Miscellaneous Appeal stands disposed of in terms of the joint compromise memo dated 26.06.2018 and the said joint compromise memo shall form part of the decree. No costs.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

mmi

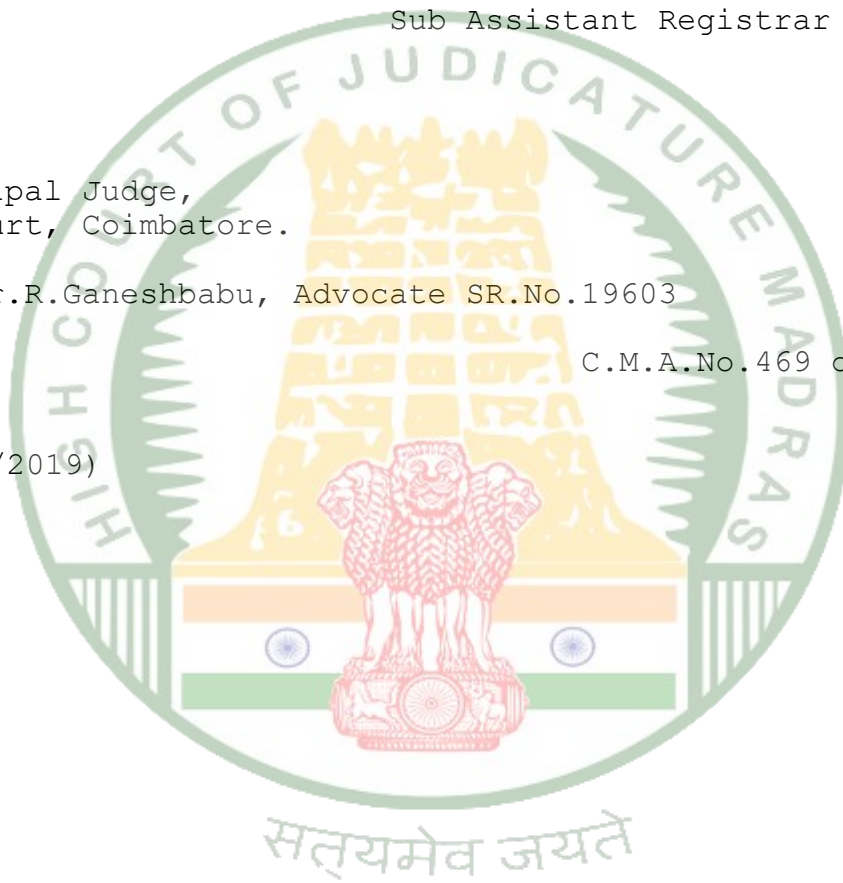
To

The Principal Judge,
Family Court, Coimbatore.

+1cc to Mr.R.Ganeshbabu, Advocate SR.No.19603

C.M.A.No.469 of 2016

RSI (CO)
GMY(18/06/2019)



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