

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2019

CORAM:

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

CMA No. 714 of 2016

Mrs.SathyaAppellant/Petitioner/Wife

Vs.

Mr.Nachimuthu Respondent/Respondent/Husband

Prayer: Appeal filed under Section 28 of the Hindu Marriage Act,1955 against the decree and judgment made in HMOP No.145 of 2012, dated 28.09.2015, on the file of the Principal Judge, Family Court, at Coimbatore.

For Appellant : Mr.CT.Murugappan

For Respondent : Mr.S.Manoharan

JUDGMENT

(Delivered by M.M.Sundresh,J.)

When the matter is taken up for hearing today, both the counsel submitted that compromise has been arrived at before the Mediation Centre, which was duly signed by the parties on 22.11.2017. We also place on record the Memorandum of Compromise, which reads as under:-

"Memorandum of Compromise

The Appellant and the Respondent submit that the above Civil Miscellaneous petition has been filed as before this Hon'ble Court as against the decree and judgment dated 28.09.2015 of the Hon'ble Principal Judge Family Court at Coimbatore, made in HMOP . 145 of 2012, dismissing the same and the Mediation Centre, by this Hon'ble Court.

The Appellant and the Respondent submit in the course of Mediation, they have agreed to part ways

and that the marriage between them may be annulled and the Appellant and the Respondent have arrived at a compromise and the terms of the compromise as agreed between the parties have been reduced in writing and the same are as follows:-

1.The Appellant and the Respondent state that the compromise has been arrived between among themselves without any fraud, coercion of undue influence and they have subscribed their respective signatures out of their own volition.

2.The Marriage between the Appellant and the Respondent was solemnized on 14.09.2015 at Echanari Temple, Coimbatore may be annulled.

3.The Appellant shall return the 4 Nos. computers of the Respondent together with all the available CD's and Books belonging to the Respondent at her expense on or before 5th December 2017.

4.The Appellant shall return 2 Telivisions and the Fridge of the Respondent at her expense on are before 5th December 2017.

5.The Appellant undertake to withdraw the petition in DVA No.48/2014 which is pending before the Hon'ble Judicial Magistrate Court VII, Coimbatore, on or before 15th December 2017.

6. The Appellant undertakes not to claim maintenance of any nature from the Respondent at any point of time, be it past, present or future.

7.Appellant shall release her share of the property in the apartment which is situated at No.3/452-A. Plot No.11 in Srirangasamy Nagar, Somayampaalayam Village, Coimbatore Taluk, Coimbatore. Brought in the joint names of the Appellant and the Respondent and that she shall co-operate for mutation of the revenue records and banking formalities, having Joint Account in Corporation Bank, GKNM Branch, Coimbatore, home loan account. So as to enable the Respondent to deal with the same, which will absolve the Appellant against liability that may have arisen on the property. The Appellant with comply on or before 30th November 2017."

2. There is one more issue which has been raised by the respondent on the earlier occasion with respect to the return of mangal sutra by the appellant in favour of the respondent. We find as recorded by this Court on the earlier occasion that the issue raised was not the subject matter of the compromise memo. Therefore, we are of the view that the aforesaid contention sought to be raised, cannot be looked into before this Court. Parties having signed the memorandum of compromise voluntarily are bound by it. Therefore, we make it clear that they should

give effect to the memorandum of compromise. It has also been submitted by the counsel for the appellant that all other terms and conditions are complied with.

3. In such view of the matter, the appeal is closed recording the compromise memo, as reproduced above. Consequently, the order passed by the Family Court stands set aside and there shall be divorce by consent between the parties. No costs.

***Copy of the Memo of Compromise Encosed**

Sd/-

Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

ssm

To:

1. The Principal Judge,
Family Court, Coimbatore
2. The Section Officer,
VR Section, High Court, Madras (2 copies)

+lcc to Mr.CT.Murugappan, Advocate SR.No.13264

CMA No. 714 of 2016

SR(CO)
GMY(02/07/2019)

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