

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.04.2019
CORAM
THE HON'BLE MR.JUSTICE M.GOVINDARAJ
CMSA NO.20 OF 2016

Palanivel

..Appellant/Respondent/Petitioner

VS.

Savitha

...Respondent/Appellant/Respondent

PRAYER: Civil Miscellaneous Second Appeal filed under Order 43 Rule 1 and Section 104 CPC read with Section 100 CPC against the judgment and decree of the learned Additional District Judge No.3, Dharapuram, made in CMA No.5 of 2015 dated 27.01.2016 in reversing the decree and judgment of the learned Subordinate Judge, Dharapuram in HMOP No.72 of 2010 dated 18.11.2014.

For Appellant : Mr.M.R.Thangavel
For Respondent : Mr.N.Manokaran

J U D G M E N T

Both the parties after negotiations have arrived at a mutually agreeable settlement and filed a joint memo of compromise dated 25.04.2019, duly signed, with the attestation of their respective counsels.

2. The terms of settlment as per the joint memo of compromise filed by the appellant and the respondent, reads as under:

" TERMS OF SETTLEMENT

A. The appellant hereby agrees to make a full and final settlement of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) towards the permanent alimony and maintenance of the respondent and his Minor Son Hemavardhan.

B. The respondent agrees to receive the said sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) towards permanent alimony and maintenance for herself and for the Minor Son Hemavardhan as a full and final settlement.

C. The respondent herein agrees to restore the judgment and decree of the Learned

Subordinate Judge, Dharapuram made in H.M.O.P.No.72 of 2010 dated 18.11.2014 by allowing the above appeal in C.M.S.A.No.20 of 2016 on the file of this Hon'ble Court.

D. The respondent also agrees to withdraw C.C.No.116 of 2016 & M.C.No.8 of 2015 pending on the file of the Learned Judicial Magistrate, Kangayam.

E. The appellant agrees to leave the custody of the minor child Master Hemavardhan aged 9 years with the respondent herein and the respondent shall be free to make all major decisions concerning the Child.

F. The respondent herein agrees that no further claim is subsisting in respect of properties, srithana, maintenance, etc., from the appellant herein.

G. The parties herein had voluntarily and equitably settled all of the issues between them, including all parenting arrangements, child and spousal support, property division, responsibility for debts and attorney fees and costs.

H. The parties herein dislodges the accusations made against each other and would maintain this resolution for the welfare of their future.

I. The respondent hereby acknowledges the receipt of a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) vide Demand Draft bearing No.382314 drawn on City Union Bank, Kangayam Branch dated 23.04.2019.

J. The respondent hereby acknowledges the receipt of a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) vide Demand Draft bearing No.382313 drawn on City Union Bank, Kangayam Branch dated 23.04.2019."

3. As per the terms of settlement, the appellant paid a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) by way of two demand drafts bearing nos.382314 and 382313, dated 23.04.2019, drawn on City Union Bank, Kangayam Branch, for a sum of Rs.10,00,000/- and Rs.15,00,000/- respectively, and the

receipt of the same is acknowledged by the respondent / wife, towards full and final settlement, viz., past, present and future and maintenance towards herself and her child. The joint memorandum of compromise filed by the appellant and the respondent dated 25.04.2019 is taken on file and shall form part of the judgment.

4. Accordingly, the judgment and decree dated 27.01.2016 passed in CMA No.5 of 2015 by the Additional District Judge No.3, Dharapuram is set aside and a decree of divorce is granted. Registry is directed to issue a decree in favour of the appellant.

5. The Civil Miscellaneous Second Appeal is disposed of in terms of the joint memorandum of compromise and the joint memorandum of compromise shall form part of the judgment. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

TK
To

1.The Additional District Judge No.3
Dharapuram.

2.The Subordinate Judge
Dharapuram.

+1 cc to Mr.C.Anbu Advocate sr40306

+1 cc to Mr.N.Manokaran advocate sr40374

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