

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

C.M.S.A.Nos.5 and 6 of 2016  
and  
Crl.R.C.No.1176 of 2017

C.M.S.A.Nos.5 and 6 of 2016

R.Mahalakshmi .. Appellant in both Appeals

Vs

T.Rajan Babu .. Respondent in both Appeals

Crl.R.C.No.1176 of 2017

T.Rajan Babu ... Revision Petitioner

Vs.

1.R.Mahalakshmi

2.Minor R.Kalaiselvi .. Respondents

Prayer in C.M.S.A.Nos.5 & 6/16: Civil Miscellaneous Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree in H.M.C.M.A.Nos.1 and 2 of 2015, dated 19.11.2015, respectively on the file of the 1<sup>st</sup> Additional District and Sessions Judge, Vellore, Vellore District, confirming the order and decree in H.M.O.P.Nos.84 of 2011 and 121 of 2012, dated 23.10.2013 respectively on the file of the Subordinate Judge, Vellore.

Prayer in Crl.R.C.No.1176 of 2017: Criminal Revision Petition filed under Sections 397 and 401 of the Criminal Procedure Code against the order in F.C.M.C.No.57 of 2015 on the file of Family Court Judge, Vellore, dated 12.07.2017 and to quash the same.

For Appellant  
in CMSA Nos.5 & 6/16  
& Respondents

in Crl.RC.No.1176/17 : Mr.A.Malath Devapriyam

For Respondent  
in CMSA Nos.5 & 6/16  
& Petitioner  
in Crl.RC.No.1176/17 : Ms.J.Sundara Kanchani

COMMON JUDGMENT

As per the order dated 30.04.2019 passed by this Court, today, a memo of compromise dated 03.06.2019 entered into between the parties has been filed before this Court. Besides, the husband/Mr.T.Rajan Babu has produced two demand drafts drawn in favour of Mrs.R.Mahalakshmi and Minor R.Kalaiselvi for a sum of Rs.25,00,000/- each bearing DD Nos.019930 and 067569, dated 26.04.2019. The said Demand Drafts also are handed-over to the wife/R.Mahalakshmi immediately.

2. Mr.A.Malath Devapriyam, learned counsel appearing for wife/R.Mahalakshmi stated that he has gone through the settlement deed dated 29.04.2019 bearing Document No.3579 of 2019 executed in favour of a minor child, namely, Minor R.Kalaiselvi, and the same is in order. The said original settlement deed dated 29.04.2019 also handed-over to the wife. He has requested this Court to direct the wife / R.Mahalakshmi to deposit a sum Rs.25,00,000/- drawn in favour of a minor child in a Fixed Deposit in any nationalized bank till she attains the age of majority and that the wife may be permitted to withdraw the accrued interest thereon once in a three months to meet out the educational and other expenditures of a minor child.

3. In view of the above, wife/R.Mahalakshmi is directed to deposit a sum of Rs.25,00,000/- in a fixed deposit in the name of her minor child/R.Kalaiselvi in any one of the nationalized bank till she attains the age of majority and she is also permitted to withdraw the accrued interest thereon once in a every three months to meet out the educational and other expenditures of a minor child. She is also further directed to produce a copy of the receipt of fixed deposit to the learned counsel appearing for the husband within a period of one week from the date of receipt of a copy of this judgment.

4. Mr.T.Rajan Babu/husband has stated that in view of the pendency of criminal case and matrimonial case, he was unable to secure any fresh employment. Therefore, needless to say that since the matrimonial dispute and criminal case relating to maintenance have been settled amicably, they will not stand in the way of getting fresh employment to him in future.

5. In fine, for the reasons stated above, the Civil Miscellaneous Second Appeals are dismissed. Consequently, Criminal Revision Petition is allowed by setting aside the F.C.M.C.No.57 of 2015, dated 12.07.2017, on the file of the Family Court, Vellore. The memo of compromise dated 03.06.2019 entered into between the parties shall form part of the common judgment and decree. No Costs.

\*The Xerox Copy of the  
Memo of Compromise enclosed

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The First Additional District and Sessions Judge,  
Vellore.
2. The Subordinate Judge,  
Vellore.
3. The Family Court Judge,  
Vellore.
4. The Section Officer,  
VR Section, High Court, Chennai-104.
5. The Section Officer,  
Criminal Section,  
High court, Chennai-104.

+1cc to Mr.S.Krishnasamy, Advocate Sr.44669  
+4cc to Mr.J.Sundara Kanchani, Advocate Sr.44720

C.M.S.A.Nos.5 and 6 of  
2016  
and  
Crl.R.C.No.1176 of 2017

pp[co]  
srg 06/06/2019