

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2019

Coram

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

C.M.A.No.1517 of 2018

S.Dinesh Kumar

.. Appellant

vs.

Karthiga

.. Respondent

Appeal filed under Section 19 of the Family Courts Act, 1984 against the order and decretal order dated 10.01.2018 in O.P.No.1482 of 2014 on the file of the VII Additional Family Court, Chennai.

For Appellant : Mr.J.Nandagopal
For Respondent : Mr.S.A.Rajan

JUDGMENT

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

This appeal is arising out of the order dated 10.01.2018 in O.P.No.1482 of 2014 on the file of the VII Additional Family Court, Chennai.

2.When the matter is taken up for hearing, learned counsel appearing for both sides submitted that the matter has been resolved between the parties. It is further submitted that pursuant to the earlier memo of compromise dated 29.03.2019, the appellant has complied with the conditions and other conditions were also complied with. Accordingly, a joint memo dated 05.04.2019 has been filed.

3.The terms of memo of compromise dated 29.03.2019 are as under:

1.The parties are living separately for the past 7 years and there is no possibility for reunion between them and the marriage is irretrievably broken down and hence both the parties are willing and have mutual

consent to grant a decree for divorce. Accordingly a decree for divorce may be granted in this appeal.

2.The appellant husband today has handed over a demand draft for a sum of Rs.10,00,000/- drawn in favour of the minor child D.Joshitha through demand draft number 313557 dated 28.03.2019 drawn on Indian Bank, Ramapuram Branch, Chennai to the respondent herein. The respondent as guardian of the minor shall deposit the same by opening a separate bank account in the name of the minor child D.Joshitha in a nationalised bank and keep the said amount in a fixed deposit for the welfare of the minor and spend the interest received, for expenses of the minor child and for her education, health and for protecting her.

3.The appellant husband's mother Mrs.S.Lathamani undertakes to execute a settlement deed in favour of the minor child D.Joshitha in respect of the property situated at Survey No.76/7 & 76/4 in Plot No.160 measuring 1800 sq.ft. in Senthur Nagar, Thiruvallur Taluk and District and registered the same before the concerned register office and handover all the original title deeds relating to the said property to the respondent herein within a period of 10 days from 29.03.2019. The appellant's mother also files an undertaking affidavit before this court to that effect.

4.The appellant/husband also agrees and undertakes to deposit a sum of rs.5000/- (Rupees Five Thousand only) towards monthly maintenance for the minor to the respondent's bank account no.4942500100919801, Karnataka Bank Limited, Mint Branch every month on or before 10th of every succeeding month commencing from April 2019 till she attain 18 years (majority). Such undertaking will form part of the decree to be passed and in default, the respondent will be at liberty to execute the decree.

5.The respondent wife shall not have any other claim against the appellant husband towards her maintenance/permanent alimony. The parties have exchanged their articles and they have no other claim against each other.

6.The appellant/husband and his parents shall have the right to visit the minor child D.Joshitha on every first Sunday of the English Calendar month between 10 a.m. and 5 p.m. in a public place like park, temple by taking the child either by petitioner or his one of the

parents from the respondent house by the said time and they shall inform/intimate their visit to the respondent 2 days prior and thereafter shall visit the child.

7.This memorandum may be form part of the order and decree that may be passed in C.M.A.No.1517 of 2018.

5.The Joint Memo dated 05.04.2019 reads as under:

In the above matter, the appellant have complied with the condition No.3 as stated in memo of compromise dated 29.03.2019 entered into between the parties on 01.04.2019. All other conditions in the said memo of compromise to be complied with by the appellant have also been complied with on 29.03.2019 itself. Hence parties are praying that this Hon'ble Court may please to pass a decree based on the said Memo of Compromise dated 29.03.2019 have already been complied with on 29.03.2019 entered into between the parties and thus render justice.

6.The Civil Miscellaneous Appeal stands disposed of in terms of the memo of compromise dated 29.03.2019 and the joint memo dated 05.04.2019 and both these memos shall form part of the decree. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mmi

To

The VII Additional Principal Judge,
Chennai.

+1cc to Mr.J.Nandagopal, Advocate sr.no.33173
+1cc to Mr.S.A.Rajan, Advocate sr.no.33076

C.M.A.No.1517 of 2018

nr 29/04/2019