

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.2726 of 2019
and C.M.P.No.13798 of 2019

G.Madhusudanan ..Appellant / Respondent

Vs

M.Vishnupriya
Minor Rep. by her mother
R.Jayabharaduri ..Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 19 of Family Courts Act, 1984 praying to set aside the order dated 20.03.2019 in M.C.No.259 of 2014 passed by the Judge, I Additional Family Court, Chennai.

For Appellant : Mr.R.Subburaj

For Respondent : Mr.V.Prakasam,
Senior Counsel for
M/s.M.Karthikeyani

JUDGMENT

[Judgment of the Court was made by K.K.SASIDHARAN, J]

This Court taking into account the settlement arrived at among the parties, passed the following order on 06.09.2019:

'This Civil Miscellaneous Appeal is directed against the order directing payment of maintenance by the appellant in a proceeding in M.C.No.259 of 2014 on the file of I Additional Family Court, Chennai.

2. During the currency of the appeal, the parties have settled the matter and filed a Joint Memo dated 06.09.2019.

3. The Joint Memo reads thus:

'JOINT MEMO FILED ON BEHALF OF THE APPELLANT AND RESPONDENT:

The parties hereto respectively submit as under:

1. That the appellant will pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) towards arrears of maintenance and full settlement for maintenance payable to minor M.Vishnupriya.

2. The parties hereto agree that their marriage solemnized on 10.06.2005 under the Hindu Marriage Act, will stand dissolved and both parties will appear before the Hon'ble 1st Additional Family Court, Chennai for recording a consent decree for divorce in H.M.O.P.No.2757 of 2017 without going through allegations made against one another. In view of this the H.M.O.P.No.2659 of 2017 filed by the appellant for restitution of conjugal rights will stand dismissed as withdrawn.'

4. The parties are present before this Court. The parties confirm the factum of execution of the Joint Memo.

5. The appellant agreed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the Minor M.Vishnupriya and bring the Demand Draft on 09.09.2019.

6. We record the Joint Memo filed by the parties.

7. We are informed that the proceedings in HMOP No.2757 of 2017 and H.M.O.P.No.2659 of 2017 are coming up for hearing before I Additional Family Court, Chennai, today. We permit the parties to file a joint petition for divorce so as to enable the Court to pronounce the decree of divorce by mutual consent. We also permit the parties to file a memo before the I Additional Family Court, Chennai, indicating the above and more particularly, the order permitting them to file a joint petition for divorce.

8. Post on 09.09.2019 for making payment as indicated above.'

2. When the appeal is taken up for hearing today, the learned counsel for the appellant produced a Demand draft for a sum of Rs.5,00,000/- lakhs (Rupees Five Lakhs only) issued by the City Union Bank Ltd., and drawn on its Chennai Service Branch-121, in favour of the respondent. The demand draft was handed over to the learned counsel for the respondent on acknowledgment.

3. Since the parties have settled the matter, there is no need for a factual adjudication in the present appeal.

4. As indicated in the order dated 06.09.2019, we permit the parties to file a joint petition for divorce before I Additional Family Court, Chennai. In case, the presiding Officer of I Additional Family Court, Chennai is on leave, the said application shall be taken up by the learned Judge, who is in charge of the I Additional Family Court Chennai.

5. In view of the settlement, we direct the learned Judge, I Additional Family Court, Chennai to entertain the appeal and grant a decree of divorce as prayed for by the parties, on the basis of the joint petition.

6. The Civil Miscellaneous Appeal is disposed of with the above direction. There shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vsm

To

The Judge,
I Additional Family Court,
Chennai.

+1 cc to Mr.M.Karthike Yani, Advocate, S.R.No.77964

C.M.A.No.2726 of 2019
and C.M.P.No.13798 of 2019

(CO)
SSM(13/09/2019)