

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.2520 of 2019
and CMP No.11940 of 2019

Manikandan

Appellant

Vs

Sana, Minor aged 7 years (F)

Rep. by her mother, Lavanya.S.

Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, 1984 praying to set aside the order and decretal order in I.A.No.4480 of 2018 in HMOP No.477 of 2018 dated 17.05.2019 passed by Hon'ble VI Additional Family Court, Chennai.

For Appellant : Ms.Rohini Ravikumar

For Respondent : Mr.Adhikesavan

JUDGMENT

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

The respondent, represented by her mother, filed interlocutory application in I.A.No.4480 of 2018, seeking interim maintenance at the rate of Rs.50,000/- p.m. The learned VI Additional Family Judge, Chennai, directed the appellant herein to pay a sum of Rs.35,000/- as interim maintenance. The decree dated 17 May 2019 in I.A.No.4480 of 2018 in H.M.O.P.No.477 of 2018 is under challenge in this appeal at the instance of the respondent in I.A.No.4480 of 2018.

2. The parties, during the currency of this appeal, settled the entire issue and filed a joint memorandum of compromise, which contains the terms and conditions of the settlement.

3. The Memorandum of Compromise dated 19.09.2019 reads thus:

'MEMORANDUM OF COMPROMISE

The appellant and respondent jointly submit as follows:

1. It is submitted that the present Civil Miscellaneous Appeal is filed by the Appellant/Husband challenging the order dated 17.05.2019 passed by the Hon'ble VI Additional Family Court in I.A.No.4480 of 2018 in HMOP No.477 of 2018.

2. It is submitted that the Respondent/Wife herein filed the petition for divorce before the Hon'ble VI Additional Family Court bearing HMOP No.477 of 2018 which is pending as on date and subsequently filed an interim application bearing I.A.No.4480 of 2018 under Section 24 of the Hindu Marriage Act, 1955 to direct the Appellant herein to pay monthly maintenance towards the minor child.

3. It is submitted that the Appellant Husband has also filed for divorce before VI Additional Family Court at Chennai in HMOP No.2261 of 2019 which is pending as on date.

4. It is submitted that during the pendency of the proceeding before this Hon'ble Court several discussions and deliberations had taken place and thereafter the parties herein do hereby agree to settle the dispute amicably as per the following terms:

I. Maintenance for the Child

The appellant hereby agrees to deposit a sum of Rs.18,000/- (Rupees Eighteen Thousand only) towards monthly maintenance till the child (who is 8 years old as on date) completes her 14 years of age and thereafter Rs.25,000/- (Rupees Twenty Five Thousand only) till the child completes her 21 years of age towards maintenance of the minor child.

The appellant also agreed to pay Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) towards full & final settlement of past arrears of maintenance from July 2018 to September 2019. There are no further claims in this regard.

II. Visitation Rights

a. Parties hereby mutually agreed that the Appellant will exercise his right visitation of the minor child, Sana once a month. The Appellant shall send an email one week prior to the respondent and the respondent shall confirm the date by sending a reply email. The child shall be picked up from the

respondent's house by the appellant accompanied by anyone of his family member (father, mother and sister). In case of non availability of his family members due to health issues, illness, travel etc., Respondent shall drop the child at Appellant's residence at Plot No.3, 44th Street, Sivasakthi Nagar, Annanur, Chennai - 600 109. The time period for the visitation shall be from 10 AM till 5.30 PM once in every month on Saturday or Sunday taking into account of the academic interest of the child.

b. The Respondent agreed to share the Academic progress of the child with the Appellant at regular intervals, through photocopies/scanned copies.

Details for communication:

Contact Details of the Appellant

Mr.Manikandan P

Cell Phone: 9444122462

Email: sharewithmani@gmail.com

Mr.Parthasarathy M

Cell Phone 9444437983

Contact Details of the Respondent:

Ms.Lavanya S

Cell Phone: 9500111094

Email: lavanya.maran2000@gmail.com.

III. Legal Proceedings

a. The Respondent/Wife hereby agrees to withdraw the petition for divorce filed before the VI Additional Family Court bearing HMOP No.447 of 2018 and all other connected applications.

b. The Respondent/Wife hereby agrees to withdraw the complaint and other connected applications given by her before the XXIII Metropolitan Magistrate at Saidapet under Domestic Violence Act.

c. The Respondent/Wife hereby agrees that she will withdraw all other proceedings initiated by her against the Appellant herein or his family members in relation to her matrimonial life, if any, before any court, authorities, police or tribunal whatsoever.

d. The Applicant hereby agrees to withdraw the petition for divorce filed before the VI Additional Family Court bearing HMOP No.2261 of 2019 and all other connected applications, if any.

e. The Appellant/Husband and Respondent/Wife hereby mutually agree to file a petition for mutual consent before the Hon'ble Family Court, Chennai on or before the end of September 2019. The Parties also agree to cooperate and obtain waiver of mandatory statutory cooling off period immediately after one week from the

date of presentation of the petition for mutual consent.

f. The Appellant and Respondent/Wife undertake that they have no claim against each other and there are no articles or belongings to be returned to each other.

g. The Appellant and Respondent/Wife undertake that they will not claim any maintenance or alimony or any other legal rights against one another or any other compensataion in future, either from one and another or from their parents after the decree of divorce is obtained. Each party has no claims against the immovable and movable properties of each other.

h. The Appellant and Respondent/Wife hereby agree that they shall not interfere in each other's life and further agrees to carry on with their own life.

i. The Appellant and Respondent/Wife hereby agree that they shall adhere to the above terms and shall not deviate from the same.

5. It is submitted that the Appellant and Respondent/Wife has unequivocally agreed to settle their matrimonial dispute in the aforementioned manner and therefore the Appellant and Respondent/Wife crave leave of this Hon'ble Court to take this Memorandum of Compromise on file and pass necessary orders.

It is therefore humbly prayed before this Hon'ble Court that this Memorandum of Compromise entered between the Appellant and Respondent/Wife be taken on record and suitable order may be passed recording the terms of settlement and thus render justice.

4. The appellant pursuant to the agreement paid a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) to the respondent by way of a cheque, bearing No.035335, drawn on ICICI Bank, Mount Road Branch, Chennai dated 23.09.2019.

5. The Memorandum of Compromise dated 19.09.2019, shall form part of the record.

6. The Civil Miscellaneous Appeal is disposed of in terms of the Joint Memorandum of Compromise. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsm

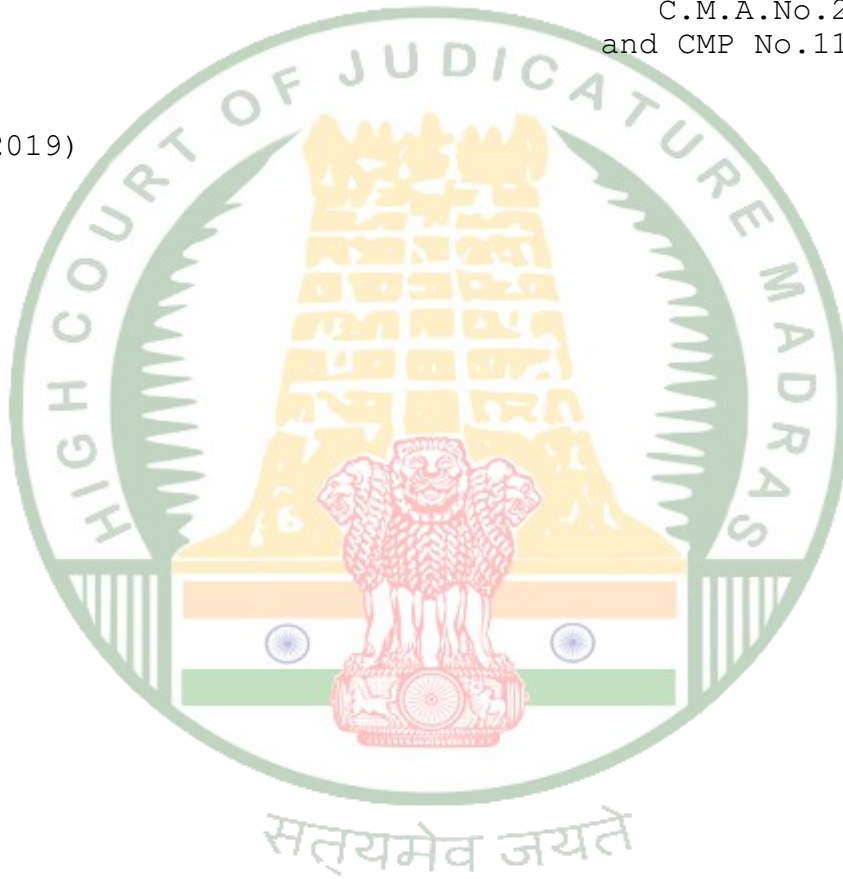
To

The Judge,
VI Additional Family Court,
Chennai.

+1cc to Mr.C.Adhikesavan, Advocate, SR.81206
+1cc to Ms.Rohini Ravikumar, Advocate SR.81478

C.M.A.No.2520 of 2019
and CMP No.11940 of 2019

PPA(CO)
CB(03/12/2019)



WEB COPY