

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2019

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.A.Nos.3113,3114,3475 & 3477 of 2019

Uma @ Uma Gomathi

... Appellant
in CMA Nos.
3113 & 3114/19

...1st respondent
in CMA No.3475/19
Sole Respondent in
C.M.A.No.3477/2019

Vs.

C.Sathish @ Chellappa

... Sole Respondent
in CMA Nos.
3113 & 3114/19

... Appellant
in CMA Nos.
3475 & 3477/19

Harish Raghav(Minor)

...2nd respondent
in CMA.No.3475/19

PRAYER : Appeals filed under Section 19 of the Family Courts Act,1984 against the order dated 06.05.2019 made in I.A.Nos.2393 of 2010 and 6032 of 2018 in H.M.O.P.No.912 of 2010 on the file of VII Additional Family Court, Chennai.

For Appellant
in CMA Nos.
3113 & 3114/19
& for 1st : Ms.Sujatha
respondent in CMA
3475/19

For Respondent
in CMA Nos. 3113
& 3114/19
: Ms.K.Sumathi

& For Appellant
in CMA Nos.
3475 & 3477/19

COMMON JUDGMENT
(Delivered by M.M.SUNDRESH.,J)

Challenging the order dated 06.05.2019 made in I.A.Nos.2393 of 2010 and 6032 of 2018 in H.M.O.P.No.912 of 2010 on the file of VII Additional Family Court, Chennai, the present appeals have been filed.

2.When the matter is taken up for hearing, the learned counsel on either side submitted that the matter has been resolved between the parties. The following are the terms of compromise:-

"1. The Appellant in CMA Nos.3475 and 3477 of 2019, who is the respondent in CMA Nos.3113 and 3114 of 2019, agreed to pay a total sum of Rs.80,00,000/- (Rupees Eighty Lakhs only) to the respondent in C.M.A.Nos.3475 and 3477 of 2019, who is the appellant in C.M.A.Nos.3113 and 3114 of 2019 and her minor son, in full and final satisfaction of the claim, including past, present and future maintenance. The respondent in C.M.A.Nos.3475 and 3477 of 2019, who is the appellant in C.M.A.Nos.3113 and 3114 of 2019, agrees that she shall not make any further claims either for herself or for the minor child Harish Ragav in view of this Memorandum of Compromise and this settlement is in full and final satisfaction of all her claims, including that of the minor child, against the appellant in C.M.A.Nos.3475 and 3477 of 2019, who is the respondent in C.M.A.Nos.3113 and 3114 of 2019.

2. The Respondent in C.M.A.Nos.3475 and 3477 of 2019, on receipt of the above amount of Rs.80,00,000/- (Rupees Eighty Lakhs only) agrees for a joint decree of divorce.

3. Both the parties agree for the arrangement that the appellant in C.M.A.Nos.3475 and 3477 of 2019 would pay to the respondent, who is the appellant in C.M.A.Nos.3113 and 3114 of 2019, a sum of Rs.10,00,000/- (Rupees Ten lakhs only), along with the execution of the joint memo of compromise herein, on 26.09.2019. Another sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) would be paid to the respondent on or before 31.10.2019. The remaining amount of Rs.50,00,000/- (Rupees Fifty Lakhs only) would be paid on or before 31.12.2019. In case there is any genuine difficulty, a further period of 15 (fifteen) days time will be given to the respondent in C.M.A.Nos.3113 and 3114 of 2019, to pay the remaining amount of Rs.50,00,000/- (Rupees Fifty Lakhs Only), provided sufficient reasons are shown.

4. The Appellant in C.M.A.Nos.3475 and 3477 of 2019 agrees to bring the jewels to the Court and hand over to the respondent. Similarly, he agrees to bring the articles belonging to the respondent in a vehicle to the court so as to enable the respondent to take possession of the same. The articles mentioned in the Memo filed by the Appellant in O.P.No.912 of 2010 before the Trial Court on 23.09.2010 shall be returned by him.

5. The Appellant in C.M.A.No.3475 and 3477 of 2019 submits that he doesn't want to show emotion to his son Harish Raghav by exercising the visitation rights and agrees for his son to meet him whenever he so desires.

6. The parties agree that their marriage shall be dissolved by this Honourable Court on Mutual Consent.

7. Both the parties agree that they shall not initiate any proceedings against the other or their respective family members in future."

2. In terms of the aforesaid compromise, the respondent has also paid a sum of Rs.80,00,000/- (Rupees Eighty Lakhs only) by way of Demand Drafts bearing (i) No.458035 for a sum of Rs.50,00,000/- (ii) No.457589 for a sum of Rs.20,00,000/- and (iii) No. 457410 for a sum of Rs.10,00,000/-, respectively.

3. In view of the above, it is hereby agreed that there shall be a decree for divorce in tune with Clause 6 of the joint memo. The joint memo filed by the parties will also form part of the decree.

4. Accordingly, the Civil Miscellaneous Appeals stand disposed of. No costs. Consequently, connected C.M.P.Nos.17416, 20404 and 20407 of 2019 are closed.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

ssm

To

1. The Principal Judge,
VII Additional Family Court,
Chennai.

+6 Ccs to M/s.K. Sumathi, Advocate sr 105607, 105606, 105754, 105750.

+1 CC to M/s.S. Sujatha, Advocate sr 106076.

C.M.A.Nos. 3113, 3114,
3475 & 3477 of 2019

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PPA (CO)
SP(20/02/2020)