

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.3166/2014 and Cr1.R.C.No.138/2012

C.M.A.No.3166 of 2014

V. JOTHIRAMAN @ RAMESH ANAND

...Appellant

-Vs-

1.R.NALINI

2.MANISAVARSHINI (MINOR)
REP. BY HER MOTHER AND
NATURAL GUARDIAN R.NALINI

...Respondents

PRAYER: Civil Miscellaneous Appeal filed against the order dated 24.12.2010 of the III Additional Principal Judge, Family Court, Chennai in I.A.No.999 of 2010 in O.P.No.2391 of 2009.

Cr1.R.C.No.138 of 2012

V. JOTHIRAMAN @ RAMESH ANAND

...Petitioner

-Vs-

R.NALINI

...Respondent

PRAYER: Cr1.R.C. filed against the order of the I Additional Sessions Judge, Chennai dated 01.12.2011 in C.A.No.234 of 2010.

For appellant in
CMA 3166/2014
& petitioner in

Cr1.R.C.No.138/2012 :: Mr.Samira S.Shah
for M/s.Shah and Shah

For respondents :: Mr.S.Baskaran

COMMON JUDGMENT
(made by K.K.SASIDHARAN, J.)

The Civil Miscellaneous Appeal in C.M.A.No.3166 of 2014 is filed against the order dated 24 December 2010 in I.A.No.999 of 2010 in O.P.No.2391 of 2009, directing the appellant to pay interim maintenance at the rate of Rs.3000/- to the respondent.

2. The Criminal Revision in CrI.R.C.No.138 of 2012 is directed against the judgment dated 1 December 2011 in C.A.No.234/2010, dismissing the criminal appeal filed by the appellant and confirming the judgment dated 12 November 2010 in C.C.No.1641/2010 on the file of the X Metropolitan Magistrate, directing him to pay maintenance @ Rs.3,000/- p.m. under the provisions of the Protection of Women from Domestic Violence Act, 2005.

3. Since both the matters are interconnected, the Hon'ble Chief Justice by order dated 28 August 2019, directed the Registry to post the CrI.R.C.No.138 of 2012 along with C.M.A.No.3166 of 2014 before the roster Division Bench dealing with Civil Miscellaneous Appeals. Accordingly, CrI.R.C.No.138 of 2012 and C.M.A.No.3166 of 2014 are posted before this Bench.

4. The matter was earlier referred to the Lok Adalat for settlement. Before the Lok Adalat, the parties have amicably settled the matter in and by which, the appellant agreed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the respondent in full quit. The memorandum of agreement dated 4 September 2018 executed by the parties is taken on record.

5. The parties have now filed a joint memorandum of compromise dated 30 September 2019 indicating the terms of the settlement. The appellant has already paid a sum of Rs.One lakh to the first respondent in partial discharge of the amount undertaken to be paid by him for settlement. The mode of payment of the balance amount of Rs.4 lakhs is also indicated in the joint memorandum of compromise. The memorandum of agreement filed before the Mediation Centre in Mediation Case File No.854/2018 and the joint memorandum of compromise dated 30 September 2019 shall form part of the record.

6. Since the parties have settled the matter, there is no need for a factual adjudication of the issue raised in the Civil Miscellaneous Appeal and the criminal revision case.

7. The Civil Miscellaneous Appeal and the criminal revision case are disposed of in terms of the memorandum of agreement dated 4 September 2018 and the joint memorandum of compromise

dated 30 September 2019. No costs. Consequently, M.P.No.1 of 2014 and C.M.P.No.13014 of 2018 are closed.

**Copy of the Memo of Compromise is enclosed*

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

2. The I Additional Sessions Judge,
Chennai.

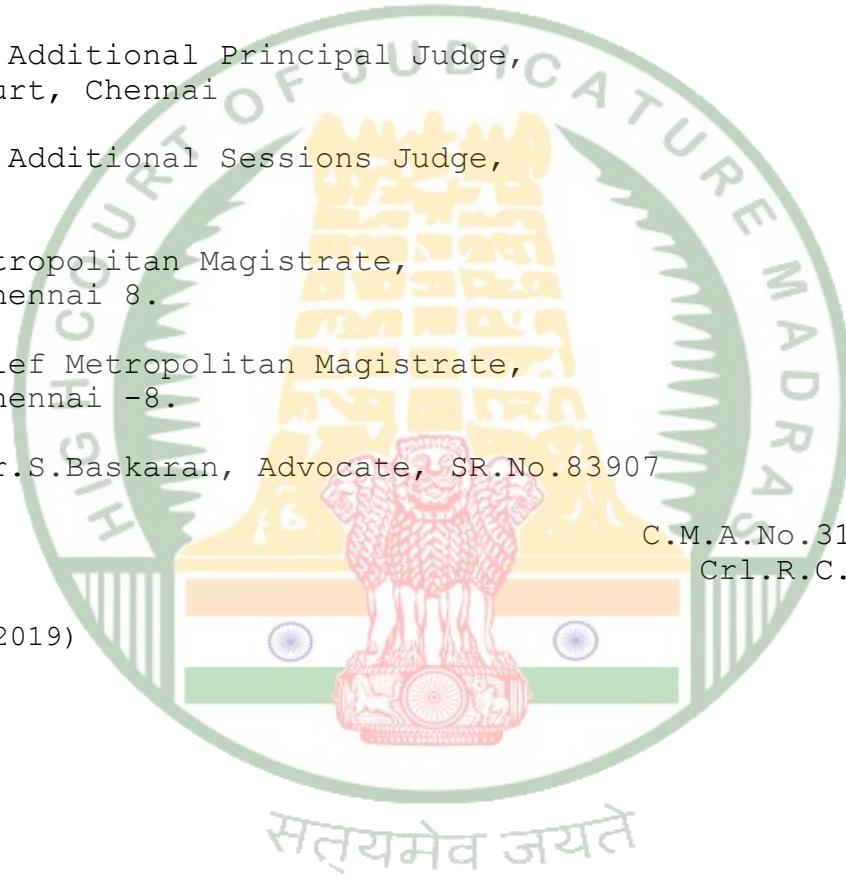
3. The Metropolitan Magistrate,
Egmore, Chennai 8.

4. The Chief Metropolitan Magistrate,
Egmore, Chennai -8.

+1cc to Mr.S.Baskaran, Advocate, SR.No.83907

C.M.A.No.3166/2014 and
Crl.R.C.No.138/2012

Kak(15/10/2019)



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