

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice C.SARAVANAN

A.S.No.358 of 2017
and
C.M.P.Nos.13599 of 2017 and 9101 of 2019

Gomathy ... Appellant/3rd Defendant

Vs

1.A.Vasanthan ... Respondent/Plaintiff

2.The Principal,
Central Polytechnic,
Tharamani, Chennai.

3.The Pension Officer,
Pension Office,
College Road,
Nungambakkam, Chennai - 6. ... Respondents/Defendants 2&3

Appeal preferred under Section 96 C.P.C. r/w Section 19 of the Family Courts Act against the judgment and decree dated 28.03.2017 made in O.S.No.9 of 2006 on the file of the II Additional Family Court, Chennai.

For Appellant ... Mr.K.P.Gopalakrishnan

For Respondents... Mr.N.Jayachander for R1

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JUDGMENT

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

The first respondent herein filed O.S.No.9 of 2006 on the file of II Additional Family Court, Chennai seeking a decree for declaration that she is the legally wedded wife of late K.Arumugam and for permanent injunction restraining the

respondents 2 and 3 herein from distributing the pension and terminal benefits to the appellant herein. As the Trial Court decreed the suit, the present appeal has been filed by the third defendant.

2. When the matter is taken up for hearing, learned counsel appearing for the appellant and the learned counsel appearing for the first respondent submitted that the matter has been settled between the parties and C.M.P.No.9101 of 2019 has been filed to record the compromise entered between the parties.

3. Both the appellant and the first respondent are present before the Court. Along with the petition in C.M.P.No.9101 of 2019, a memo of compromise dated 03.04.2019 duly signed by the parties and attested by their respective counsel, has been filed. The memo of compromise contains the following covenants:

"The appellant and the respondent prays that the following compromise agreed upon by us may kindly be recorded in the above appeal and a decree may be passed in terms of the compromise:

(i) The appellant's husband late Mr.K.Arumugam died on 18.03.2005.

(ii) Late Mr.K.Arumugam was living with the 1st respondent for some time. Late Mr.K.Arumugam was employed in the Central Polytechnic, Tharamani and took voluntary retirement in April 2002.

(iii) Late Mr.K.Arumugam on 13.04.1981 nominated the appellant (Smt.Gomathy) as his wife in the office records for payment of pension and other benefits to her.

(iv) The appellant (Smt.Gomathy) ever since from the date of death of Mr.K.Arumugam is receiving pension as per the nomination given by Mr.K.Arumugam.

(v) Both Smt.Gomathy the appellant and A.Vasantha the 1st respondent agree that the pension shall be received by them equally.

The parties therefore pray that this Hon'ble Court may be pleased to record the compromise and pass a decree in terms of the compromise and thus render justice.

4. This appeal suit stands disposed of in terms of the memo of compromise dated 03.04.2019 and the memo of compromise shall

form part of the decree. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The II Additional Family Court,
Chennai.

2.The Principal,
Central Polytechnic,
Tharamani, Chennai.

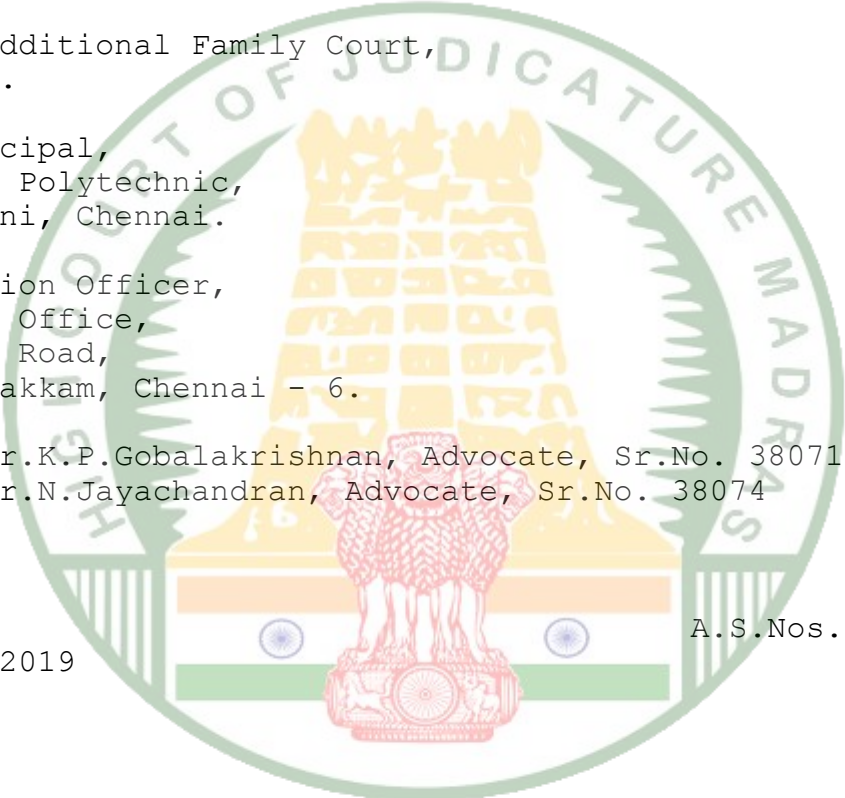
3.The Pension Officer,
Pension Office,
College Road,
Nungambakkam, Chennai - 6.

+2 cc to Mr.K.P.Gobalakrishnan, Advocate, Sr.No. 38071

+1 cc to Mr.N.Jayachandran, Advocate, Sr.No. 38074

CSL/26.04.2019

A.S.Nos.358 of 2017



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