

O.P.No.314 of 2017
and
A.No.5326 of 2019

K.KALYANASUNDARAM, J

The petitioner has filed this Original Petition under Sections 3, 7, 8, 9, 10 & 25 of the Guardians and Wards Act, 1890 read with Order XXI Rules 2 and 3 of Original Side Rules, 1956 and Clause 17 of the Letters Patent Act, seeking to grant custody of minor child Ms.Aditi Sashi to the petitioner.

2. Today, when the matter is taken up for hearing, the learned counsel for the petitioner as well as the respondent would state that the dispute was settled amicably between the parties before the Mediation. The Mediator also sent report dated 22.10.2019 and a settlement agreement has also been filed to that effect. The terms of Settlement Agreement read as follows:-

"1.Disputes and difference had arisen between the parties hereto and OP.No.314/17 was filed on 19.04.2017 before the Hon'ble High Court, Madras.

2.The matter was referred to mediation/conciliation vide an order dated 26.07.2019 passed by Lordship Justice R.Subramanian.

3.The Parties agreed that V.Malathy would act as their Mediator/Conciliator.

4.Several meetings were held during the process of mediation/conciliation from 06.09.2019 to 22.10.2019 and the parties have with the assistance of the Mediator/Conciliation

voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.

5.The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/Conciliator.

6. The following settlement has been arrived at between the Parties hereto:

(i) The husband has agreed to provide one time settlement towards the future maintenance of his wife and daughter Aditi Sashi. Thus the husband has agreed to pay a lumpsum amount of Rs.47,50,000/- [Rupees Forty Seven Lakhs Fifty Thousand only) towards Permanent Alimony on the day of final hearing of the mutual consent petition in the following manner:

(a) Rs.5,00,000/- (Rupees Five Lakhs only) in the name of the wife Mrs.S.Indumathi by way of a Demand Draft on the day of filing of the mutual consent petition and a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) on the day of final hearing of the mutual consent petition.

(b) Rs.15,00,000/- (Rupees Fifteen Lakhs Only) in the name of the minor daughter Aditi Sashi daughter of the Parties herein by way of a Fixed Deposit.

(c) A sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) was agreed to be paid towards the education expenses to the daughter Aditi Sashi by the husband on or before April 2020 and a further sum of Rs.50,000/- (Rupees Fifty Thousand Only) towards education expenses of the daughter Aditi Sashi on or before December 2020.

(d) A sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty

Thousand only) was agreed to be paid to the wife by the husband on or before December 2020.

The wife acknowledges the receipt of the amount from her husband. The wife has agreed that she will not claim any future maintenance of any other sum herein other than the above mentioned amount."

(ii)The parties herein have signed a consent Divorce petition and the same will be presented within 15 days from the date of signing the memorandum of understanding. Both the parties further agree that Divorce by mutual consent is voluntary and not due to coercion force or threat.

(iii)The wife has no further claim from her husband. Likewise husband has also no claim as against his wife. Thus the articles and belongings of the husband and wife are retained by the husband and wife and none of the articles belongs to wife or husband is available with the other.

(iv)The husband and wife have agreed to withdraw the followings cases filed by them respectively.

(i) Child custody O.P. In 314/2017 filed before the Hon'ble High Court by the husband

(ii) F.I.R registered in R1 P.S Cr.No.493/2017

(iii) Maintenance case in M.C.No.65/2017 filed before the Family Court, Chennai by the wife.

(iv) Domestic violence case in D.V.C.No.74/2018 filed before XVII Metropolitan Magistrate, Saidapet and also if any other complaints given against each other.

The parties hereto will take all sincere steps to withdraw the cases and both the parties will co-operate with each other for such withdrawal.

(v) It is agreed by the parties that the only child begotten out of the wed-lock between the husband and wife is a female child. Hence it is agreed that wife has to retain the custody of the minor child Aditi Sashi, aged about 10 years. The Husband hereby agrees that he has no objection for keeping the custody of the minor child by his wife. The husband has every right to visit the child as and when he wishes to meet his daughter. The wife and daughter are now settled at Bangalore, considering the same the husband agrees to visit the child at Bangalore. The husband has to give prior intimation to his wife about his visit so as to facilitate the visiting the child by husband. If the child is willing to go along with the father to Chennai for a temporary visit the wife will not object to it and the father has to bear the costs. The wife undertakes not to cause any hindrance or obstruction to the husband from visiting the child. It is specifically agreed between the parties hereto that both the parties will not speak ill of other to the child.

(vi) The husband hereby agrees to pay a sum of Rs.1,00,000/- (Rupees one lakh only) per year to his child for providing school education to his daughter. The Balance amount towards the education of the child has to be borne by he wife. The husband agrees to pay the amount of Rs.1,00,000/- from the academic year i.e., 2021 onwards. The amount is agreed to be paid by the husband before the commencement of May month every year.

(vii) The wife hereby agrees that, if the husband provide

any articles, jewels, dresses and other gifts to his daughter, the same cannot be prevented by the wife. Thus husband is free to express his love and affection to his daughter in any kind which will not be interfered with by the wife.

(viii) The husband further agrees that he will discharge his responsibility as a dutiful father towards his daughter as per Hindu law and customs at the time of marriage of his daughter. The wife agrees to inform to her husband the attaining of puberty and other important occasions.

(ix) The husband agrees to give consent to get Transfer Certificate from the school namely National Public School, Chennai, where the child studied prior to the present school.

(x) The wife agrees that in case of change of address or change of phone number the same will be intimated to her husband and the husband also agreed to provide change of address and change of phone number to the wife.

(xi) It is hereby agreed that hereinafter both the husband and wife will not claim the status of husband and wife.

7. By signing this Agreement the parties hereto state that they have no further claims or demands against each other with respect to above mentioned case numbers and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of conciliation/mediation."

3. The settlement agreement is recorded and the Original Petition is ordered in terms of the settlement agreement. Consequently, connected application is closed.

KMI

01.11.2019

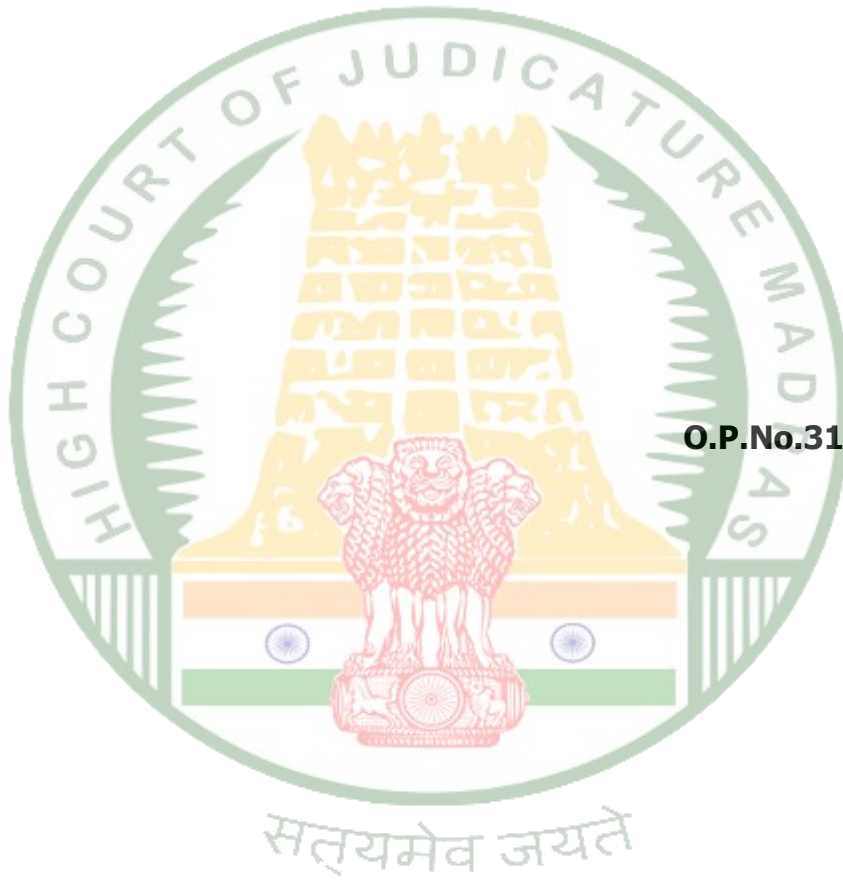


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