

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.C.M.P.No.885 of 2018

&

CMP.No.21779 of 2018

Mrs.V.Anuradha .. Petitioner

Vs

Mr.C.Ezhilazhagan .. Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC to transfer the HMOP.No.508 of 2018 on the file of the Subordinate Judge Court, Tambaram to the V Additional Family Court at Chennai to be tried along with M.C.No.363 of 2018.

For Petitioner : Mr.G.Saravanakumar

For Respondent : Mr.T.Nalinidhar
for M/s.Paul and Paul

ORDER

Pursuant to mediation, the parties have arrived at a mutually agreeable settlement and also signed settlement agreement dated 12.07.2019. The terms of Settlement Agreement entered between the petitioner and the respondent are extracted hereunder.

'WHEREAS

1. Disputes and differences had arisen between the parties hereto and case was filed before the Hon'ble High Court, Madras.
2. The matter was referred to mediation/conciliation in order dated 04.03.2019 in transfer C.M.P.No.885 of 2018 and CMP.No.21779 of 2018 passed by the Hon'ble High Court, Madras.
3. The parties agreed that Mr.G.Udaya Shankar, would act as their Mediator/Conciliator.
4. Several meetings were held during the process of mediation/conciliation from 12.03.2019 to 12.07.2019 and the parties have with the assistance of the

mediator/conciliator 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 arrive at this Settlement Agreement in the presence of the mediator/conciliator.
6. The following settlement has been arrive at between the parties hereto:

A. Both the parties have mutually agreed and consented for a decree of divorce in H.M.O.P.508 of 2018, on the file of Sub Court, Tambaram.

B. THAT the respondent made a fixed deposit for a sum of Rs.2,00,000/- (Rupees two lakhs) as permanent settlement in the name of Minor P.C.A.E Balamaniyan Malarnilavan, vide a fixed deposit receipt No.2017/NDRV 0536678, dated 12.07.2019, drawn on Indian Overseas Bank, Perungalathur Branch, for a period of 10 years, and the petitioner herein as the sole guardian. The petitioner undertakes and affirms to renew the fixed deposit in the name of P.C.A.E.Balamaniyan Malarnilavan until he attains majority. Further it is accepted between the parties that the interest accrued upon the above said amount will be withdrawn quarterly and the same will be used by the petitioner for the upbringing of the child.

C. That the Petitioner agrees and undertakes to withdraw M.C.No.363 of 2018 on the file of V Addl. Family Court, Chennai, which she had filed for maintenance against the respondent.

D. THAT both the Parties have mutually agreed that the minor P.C,A.E.Balamaniyan malarnilavan will be staying at his father's house, the respondent herein for atleast 60 days in a calendar year (which includes the 2nd Saturday, 2nd Sunday, 4th Sunday of every month and 1st and Last week of summer vacation) rest of the remaining 305 days in a calendar year, the minor will be with his mother, the petitioner herein.

E. That the respondent agrees to bear all the educational expenditure (school and college) including school uniform and books of his minor son P.C.A.E.Balamaniyan Malarnilavan until he attains the age of majority. Medical and other expenses to be borne by the petitioner, interest from the fixed deposit can be used for the same.

F. That the respondent undertakes and agrees to handover the RC book and transfer ownership form duly signed in respect of the his Swift Dzire car with (Reg No: TN22 CU 7392) in favour of the petitioner, which is at present in the custody of the petitioner as part of full and final settlement. The said car's resale value is valued at Rs.3,75,000/- (Rupees three lakhs seventy five thousand only) and half of the resale value belongs to the respondent and the respondent has no objection to the sale of the car and the sale proceeds to be taken by the petitioner as part of final settlement. The petitioner shall however ensure that the transfer of car is effected immediately and once the transfer is done onto to the petitioner name, the respondent will bear no liability with regard to the above said car. The petitioner undertakes to sign the delivery order as on date. The petitioner and the respondent agrees that they have no other claims against each other, except as stated supra.

G. By signing this agreement the parties hereto state that they have no further claims or demands against each other with respect to M.C. No.363 of 2018, (on the file of V Addl. Family Court, Chennai) and in H.M.O.P.508 of 2018 (on the file of Sub Court, Tambaram) and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of conciliation/mediation.'

2. Accordingly, the parties have agreed for divorce on payment of Rs.2,00,000/- towards permanent settlement to the petitioner/wife. It is also agreed that the petitioner/wife will have the custody of the child with visitation rights of the

respondent/husband for 60 days, as per clause 'D' of the settlement agreement among other terms of settlement.

3. Both the parties appeared before the Court and have confirmed the settlement duly signed by them and attested by the respective counsels. The terms of settlement is recorded.

4. The Settlement Agreement dated 12.7.2019 is taken on file and shall form part and parcel of the order.

5. The Transfer Civil Miscellaneous Petition is ordered in terms of Settlement Agreement dated 12.7.2019. Consequently connected CMP.No.21779 of 2018 is closed.

* Xerox copy of Mediation Agreement
(Settlement Agreement) enclosed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Subordinate Judge Court, Tambaram
2. The V Additional Family Court at Chennai

+1cc to Mr.G.Saravanakumar, Advocate, S.R.No.73126
+1cc to M/s.Paul and Paul, Advocate, S.R.No.74572

Tr.C.M.P.No.885 of 2018 &
CMP.No.21779 of 2018

GJ(CO)
CS/04/12/2019