



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

S.A(MD)No.545 of 2013

and

M.P(MD)No.2 of 2013

Mallikumar

... Appellant/Respondent/Defendant

vs.

1) Suja

2) Jinu Masbin (Minor)

Rep by Natural Guardian & Mother namely, Suja

3) Jerone Masbin (Minor)

Rep by Natural Guardian & Mother namely, Suja

... Respondents/Appellants/Plaintiffs

Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree dated 08.02.2011 passed in A.S.No.46 of 2010 by the learned Subordinate Judge, Kuzhithurai, reversing the judgment and decree passed in O.S.No.67 of 2009 dated 12.02.2010 passed by the learned Principal District Munsif, Kuzhithurai.

For Appellant : Mr.B.Brijesh Kishore

For Respondents : Mr.K.P.Narayana Kumar

JUDGMENT

The second appeal has been filed against the judgment and decree dated 08.02.2011 passed in A.S.No.46 of 2010 by the learned Subordinate Judge, Kuzhithurai, reversing the judgment and decree passed in O.S.No.67 of 2009 dated 12.02.2010 passed by the learned Principal District Munsif, Kuzhithurai.

2.Today, when the matter is taken up for hearing, both the learned counsel for the appellant as well as the respondents would state that the parties have amicably settled the matter before the mediation centre and the mediation centre has referred this matter to this Court for recording settlement.

3.The mediation centre has submitted its report along with the settlement agreement dated 07.08.2019 entered into between the parties. The terms of settlement are as follows:-



'i. The petitioner / husband and the 1st respondent / wife compromised the issue amicably.

ii. The petitioner / husband and the 1st respondent / wife agreed to file mutual divorce petition by the end of the September 2019 before the Kuzhithurai Sub Court, Kanyakumari District.

iii. The petitioner / husband agreed to pay Rs.6,00,000/- (Rupees Six Lakhs only) as final settlement payable to his two children out of which today he paid Rs.3,00,000/- (Rupees Three Lakhs only) in favour of his two children each Rs.1,50,000/- by way of DD No.885043 and 885044 State Bank of India, Arumanai Branch dated 05.08.2019 to the 1st respondent. Balance amount of Rs.3,00,000/- to be paid at the time of mutual divorce proceedings.

iv. The 1st respondent / wife has no objection to raise the attachment made in O.S.No.67/2019 on the file of the Principal District Munsif Court, Kuzhithurai.

v. The 1st respondent / wife has no claim over the petitioner / husband in future.'

4. In view of the above settlement, the judgment and decree dated 08.02.2011 passed in A.S.No.46 of 2010 by the learned Subordinate Judge, Kuzhithurai, reversing the judgment and decree passed in O.S.No.67 of 2009 dated 12.02.2010 passed by the learned Principal District Munsif, Kuzhithurai, is set aside and this Second Appeal is disposed of in terms of the above settlement. The mediation report and the settlement agreement dated 07.08.2019 signed by both the parties and their counsels shall form part of the record. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

Encl: Xerox Copy of Mediation report and the settlement agreement.

To

1) The Subordinate Judge,
Kuzhithurai.

2) The Principal District Munsif,
Kuzhithurai.



3) The Section Officer, (2 copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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+1 CC to Mr.B.BRIJESH KISHORE, Advocate (SR-89520[F] dated
26/09/2019)

+1 CC to Mr.K.P.NARAYANA KUMAR, Advocate (SR-89898[F] dated
27/09/2019)

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