



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Thirteenth day of June, Two Thousand and Nineteen
present

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.M.S.A. (MD) No.14 of 2016

Shanmugasundari : Appellant/Respondent/Respondent/Wife
.. Vs ..
Muthusamy : Respondent/Appellant/Petitioner/Husband

PRAYER: Civil Miscellaneous Second Appeal is filed under Section 28 of Hindu Marriage Act read with Section 100 of Civil Procedure Code, praying this Hon'ble Court to set aside the fair and decreetal order dated 21.02.2012 passed in CMA No.28 of 2010 on the file of the Principal District Court, Thoothukudi reversing the fair and decreetal order dated 01.03.2010 passed in HMOP NO.94 of 2008 on the file of the Sub Court, Kovilpatti.

DECREE: This Appeal coming on for hearing on this day in the presence of Mr.S.A.Ajmal Khan, Advocate for the Appellant and of Mr.C.Mayilvahan Rajendran, Advocate for the respondent and the parties herein having amicably resolved the disputes among themselves and entered into a compromise between themselves and having filed into a joint compromise between themselves and having filed into Court a Joint memorandum of compromise, wherein it is mentioned that the respondent herein /husband has agreed to pay a sum of Rs.10,00,000/- (Rupees Ten lakhs only) as one time life settlement and accordingly a sum of Rs.10,00,000/- (Rupees Ten lakhs only) has been paid by the husband to the appellant herein/wife as one time life settlement to her and her son and the receipt of the Demand Draft for a sum of Rs.10,00,000/- (Rupees Ten lakhs only) bearing No.784178, dated 10.06.19 drawn from the State Bank of India, Kovilpatti Branch is also acknowledged by the appellate herein/wife has agreed that she has no further claim towards the maintenance or school fees, medical expenses, etc., and no application for maintenance can be filed by her and the appellant and respondent herein requesting the court to pass a decree in terms thereof and this Court, the material records in this Case and joint memorandum of compromise and the original of which is annexed herein, order and decree as follows:

1. That the Judgment and decree dated 21.02.2012 made in CMA No.28/10 on the file of the Principal District Judge, Thoothukudi be and hereby are confirmed and this appeal is dismissed;



2.That the appellant herein/wife be and hereby is directed to deposit the Demand Draft in the Joint account of the appellant and her son;

3.That and out of the said deposit, a sum of Rs.5,00,000/- (Rupees Five lakhs only) shall be in a fixed deposit and the appellant shall withdraw the interest accrued thereon once in every three months till the minor attains majority and the appellant herein/wife shall receive the balance sum of Rs.5,00,000/- (Rupees Five lakhs only) towards her share.

4.That there be no costs in this Appeal.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

Encl:Xerox Copy of Joint Compromise Memo.

To

1.The Sub Judge,
Kovilpatti.

2.The Principal District Judge,
Thoothukudi.

+1 cc Mr.S.A.AJMAL KHAN ,Advocate, SR.No. 68533

Copy to: The Section Officer,
V.R. Section, Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

DATED:13.06.2019

DECREE

C.M.S.A.(MD)No.14 of 2014

Joint Compromise memo this CMSA (MD) No.14 of 2016 preferred against the Judgment and Decree passed by the Sub Judge, Kovilpatti made in HMOP No.94 of 2008 on 01/03/2010, as confirmed by PRINCIPAL DISTRICT JUDGE, THOOTHUKUDI in CMA (MD) 285/2010 on 21/02/2012 etc., as stated within.