



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

**CMA(MD)No.714 of 2019**

**and**

**CMP(MD)No.8959 of 2019**

WEB COPY

S.Sivaraman

... Appellant/Petitioner

versus

Kalaivani

... Respondent/Respondent

Civil Miscellaneous Appeal filed under Section 47 of the Guardian and Wards Act, against the order dated 26.08.2019 in G.W.O.P.No.28 of 2016 on the file of the learned Principal District Judge, Theni.

For Appellant : Mr.A.V.Arun  
for M/s.R.Venkateswaran  
For Respondent : Mrs.Porkodi Karnan  
for M/s.Polax Legal Solutions.

**JUDGMENT**

The appellant is the husband of the respondent herein. He filed GWOP No.28 of 2016 before the learned Principal District Judge, Theni, seeking to declare him as legal guardian of his minor child Yalisai and also for custody of the child. The Court below, by an order dated 26.08.2019, dismissed the said petition. Aggrieved over the same, the present Civil Miscellaneous Appeal has been filed.

2. Today, when the matter is taken up for consideration, the learned counsel appearing for the appellant and the learned counsel appearing for the respondent submitted that both the parties have arrived at settlement in the following terms and conditions, for which, a joint compromise memo is also filed before this Court:

**"Joint Compromise memo filed by appellant/petitioner and respondent/respondent"**

The subject matter is relating to the custody of the minor child Yazhisai. The father of the child is the appellant/petitioner and the mother is the respondent/respondent herein. In view of welfare of the child, the parents have agreed to the following terms and conditions:



(i) The appellant identified a house for rent for the convenient living of the respondent at Theni town with the child and the respondent visited and accepted the same bearing Door No.4/1, Ward No.18, Bakthavachallam Street, Samadharmapuram, Theni. The appellant shall pay the monthly rent of the house and the electricity charge besides paying the advance amount for hiring the house. The child is studying at Theni while the mother of the child is a resident at Kombai which is a very far away place from Theni and thereby, the present arrangements are being made taking note of the welfare of the child.

(ii) The child's education and medical expenses would be borne by the appellant.

(iii) The respondent is working in R.R.International School, Cumbam and she has to get her school bus at Theni point by around 7.15 to 7.30 a.m. and she would return from her school by the school bus around 6.30 to 7.00 p.m. Whereas, the school time of the child is from 9.15 a.m. to 4.15 p.m. The appellant is ready to have the child from morning to evening and provide the breakfast and lunch to the child while the night dinner the respondent will provide. The respondent will drop the child at appellant's house in the morning when she goes to school and take the child in the evening when she returns from the school.

4. The respondent can participate in the child's parents meeting and school function.

5. The appellant will have the custody of the child for two nights in the working days namely on Tuesday and Thursday of a week. On these two days, the respondent will have the child in the evening for an hour after the respondent returning from the school for the purpose of doing the home work of the day.

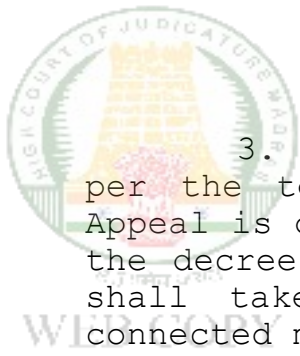
6. The appellant and respondent will have the custody of the child a whole day on alternative Sundays of a month.

7. Both the appellant and respondent will have the custody of the child sharing equally during holidays such as annually. During annual holidays, they would have the child on alternative week.

8. The appellant will have child with him for three days (Friday to Sunday) in a year to worship his family deity at Kulathoor, Thoothukudi district taking place in the Tamil month of Masi.

9. Both the appellant and respondent can have the child if there is any contingency takes place such as close blood relative marriage or condolence for maximum three occasions in a year.

10. This joint compromise memo between the appellant and respondent will not stand in the way of their pending litigations that of the divorce and restitution of conjugal



3. The joint compromise memo is recorded and accordingly, as per the terms of joint compromise memo, the Civil Miscellaneous Appeal is disposed of. The Joint Compromise Memo shall form part of the decree. The terms and conditions of the joint compromise memo shall take effect from 01.12.2019. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The learned Principal District Judge,  
Theni.

+1CC TO MR.R.VENKATESWARAN, Advocate Sr. No. 101674

+1CC TO MR.POLAXLEGAL SOLUTIONS, Advocate Sr. No. 101450

**CMA(MD)No.714 of 2019**

**26.11.2019**

TR(29.11.2019) 3P 4C