



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.10.2019**

CORAM:

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI**

C.M.A. (MD)No.89 of 2017

P.S.L.Saravanan ... Appellant

Vs.

S.H.Harshitha ... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 (1) of the Family Court Act, against the Fair and Decreetal order, dated 30.11.2016 passed in H.M.O.P.No.290 of 2016, on the file of the Family Court, Madurai.

For Appellant : Mr.D.Nallathambi

For Respondent : Mr.S.Srinivasa Raghavan

JUDGMENT

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

We have heard Mr.D.Nallathambi learned counsel appearing for the appellant and Mr.S.Srinivasa Raghavan, learned counsel appearing for the respondent.

2. This appeal is by the husband challenging the dismissal of the petition for divorce filed before the Family Court, Madurai, in H.M.O.P.No.290 of 2016. The petition was dismissed on the ground that the allegations made were not proved. During pendency of the appeal, the matter was referred for Mediation by the Division Bench and before the Mediators, the parties have agreed and signed a settlement agreement, dated 30.07.2019. The terms of the settlement are as follows:-

<https://hcservices.ecourts.gov.in/hcservices/>



"SETTLEMENT AGREEMENT"

This SETTLEMENT AGREEMENT entered into on 30/07/2019
between
P.S.L.Saravanan ..Appellant
and
S.H.Harshitha ..Respondent

WHEREAS

1. Disputes and differences had arisen between the Parties hereto and CMA(MD)No.89/2017 was filed on 25/01/2017 before Hon'ble High Court.

2. The matter was referred to mediation / conciliation vide an order dated 04/04/2019 passed by **THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM AND THE HON'BLE MRS.JUSTICE R.THARANI**

3. The parties agreed that Mr.S.Mohandoss would act as their Mediator.

4. Several meetings were held and during the process of Mediation/Conciliation from 09/04/2019 to 29/07/2019 and all the parties have with the assistance of the Mediator 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.

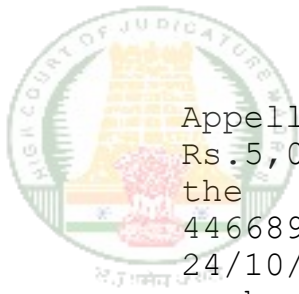
6. The following settlement has been arrived at between the Parties hereto :

1. Both parties have already agreed to divide their jewels and accordingly they received their jewels by opening the Bank Locker.

2. Like wise the Articles in the name of Seervarisai were taken back by the Respondent/Wife.

3. Like wise the sum of Rs.26,000/- (Twenty Six thousand only) was received by cash from the Bank, by the Respondent/Wife.

4. Towards Marriage Expenses of both the Minor Children, the



Appellant/Husband had already deposited the sum of Rs.5,00,000/- (Rupees Five Lakhs only) each in the name of the Minor Children vide Account No.4466500692 and 4466894258(Kisan Vikas Patra) which will mature on 24/10/2028 and at Rs.10,00,000/-(Rupees Ten Lakhs only) for each of the minor Children.

WEB COPY

5. It is agreed by both parties that the said deposits shall not be encumbered in any manner by the Appellant and the Respondent. The original Kissan Vikas Patra are agreed to be handedover by the Appellant to the Respondent.

6. In the event of solemnization of marriage of both or any of the minor Children before 24/10/2028, the Appellant agrees to co-operate with the Respondent for pre - matured withdrawal of the amounts.

7.The Appellant/Husband has agreed to bear the school educational expenses of the minor child by name P.S.Diya as that of the elder daughter.

8. Towards educational expenses of both the Minor Children, the Appellant and the Respondent have mutually agreed that if the minor children proceed their further higher education of any course in Government Colleges, entire educational expenses including hostel fees, etc., will be borne by the Appellant/husband.

9. If the minor children proceed their further higher education of any course, in any Private Colleges all the Educational Expenses including Hostel Fee, etc., will be borne by both the Appellant and Respondent equally.

10. For appearing in entrance examination for further higher education of the minor children all the expenses for private coaching centre shall be borne by both the Appellant and Respondent equally.

11. In the event of unexpected, medical expenses for the minor children it is agreed by the Appellant and Respondent to share them equally.

12. As of now the Appellant/husband is at liberty to visit both the minor children. In case of the minor children are in custody of either of the party, the Appellant or the Respondent of the minor Children, as the case may be, shall have the equal right to visit the minor children.

13. On the above said terms, the Appellant and the Respondent hereby agree that their marriage dated 20/01/1999 may be dissolved by this Hon'ble Court by



allowing CMA(MD)No.89/2017 and to pass a decree for dissolution of marriage in H.M.O.P.No.290/2016 on the file of the Family Court, Madurai, without cost.

7. By signing this Agreement all the Parties hereto state that they have no further claims or demands against each other with respect to CMA(MD)No.89/2017 and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of conciliation /Mediation."

3. Both the appellant and the respondent are present in Court and they stated that they are fully conscious of what was agreed before the Mediation and they will abide by what has been agreed to in the settlement agreement.

4. In the light of the settlement arrived at between the parties, this appeal is allowed and the order passed in H.M.O.P.No.290 of 2016, on the file of Family Court, Madurai, is set aside and consequently, the petition for divorce in H.M.O.P.290 of 2016 is allowed and the marriage between the appellant and the respondent solemnized on 22.01.1999, is dissolved by granting a decree of divorce, based on the settlement agreement. The settlement agreement shall form part of the decree. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

MPK

To
The Judge, Family Court, Madurai.

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-91497[F] dated 04/10/2019)

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-91745[F] dated 14/10/2019)

C.M.A. (MD)No.89 of 2017
04.10.2019

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