

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 17.02.2020

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM  
A.S.No.269 of 2013

Surendra T.Shah

...Appellant

Vs.

1.Chetna

2.S.Beejal Shah

...Respondents

Prayer: Appeal Suit filed under Section 96 and Order 41 Rule 1 of CPC to set aside the Judgement and Decree dated 06.02.2013 made in O.S.No.206 of 2009 passed by the learned Principal District Judge at Erode.

For Appellant : Mr.S.Sathish Rajan

For Respondents : Mr.V.P.Sengottuvel

JUDGEMENT

The Appeal Suit is filed against the Judgement and Decree dated 06.02.2013 made in O.S.No.206 of 2009 passed by the learned Principal District Judge at Erode.

2.The respective learned counsels appearing on behalf of the appellant and respondents filed a Joint Memo of Compromise signed by the appellant and the respondents. All the parties in the appeal suit are present before this Court and informed that they have already settled the issued between them.

2.In view of the said submission and the Joint Memo of Compromise, the appeal suit is to be disposed of. The terms of Joint Memo of Compromise are extracted hereunder.

JOINT MEMO OF COMPROMISE FILED BY THE APPELLANT  
AND RESPONDENTS

The parties above named begs to submit as follows:

It is submitted that during the pendency of the Appeal, on the intervention the friends and well wishers, an amicable settlement has been arrived between the parties herein and the parties agreed to pass decree on the following terms:

1.That the appellant herein agrees to pay a sum of  
RS.20,00,000/- (Rupees Twently lakhs only) as full

and final settlement and full quit in the manner as stated below to the respondents herein.

2. That from and out of the agreed amount of Rs.20,00,000/-, a sum of Rs.10,00,000/- (Rupees Ten lakhs only) is paid to the 1st respondent wife towards permanent alimony and as a one time settlement by way of a Demand Draft bearing Nos. (1) 249709 dated 13.02.2020 for a sum of Rs.4,50,000/-, (2) 249710 dated 14.02.2020 for a sum of Rs.3,00,000/-, (3) 249714 dated 15.02.2020 for a sum of Rs.2,50,000/- all drawn on Bank of Baroda.

3. That the balance agreed amount of Rs.10,00,000/- (Rupees Ten lakhs only) is paid to the 2nd respondent daughter as full and final settlement by way of a Demand Draft Nos. (1) 249708 dated 13.02.2020 for a sum of Rs.4,50,000/-, (2) 249711 dated 14.02.2020 for a sum of Rs.3,00,000/-, (3) 249712 dated 15.02.2020 for a sum of Rs.2,50,000/- all drawn on Bank of Baroda.

4. That the respondents hereby admit and acknowledge the receipt of the entire sum of Rs.20,00,000/- (Rupees Twenty lakhs only) in the manner stated supra in full satisfaction of the Judgment and Decree dated 26.02.2013 made in O.S.No.206 of 2009, which is under challenge in the present Appeal in A.S.No.269 of 2013.

5. That the above said sum of Rs.20,00,000/- (Rupees Twenty lakhs only) as detailed above shall be treated as permanent alimony and the respondents hereby gives up all their claims for maintenance of past, present and future and will not file any petition for maintenance, either civil or criminal. सत्यमेव जयते

6. That the appellant and the 1st respondent hereby gives their consent to dissolve their marriage which was held on 26th April 1992 at Kutchi Visa Oswal Community Hall at Mumbai and their marriage can be dissolved by a decree of divorce by mutual consent. Both the parties have agreed to immediately file necessary petition for divorce by mutual consent as per Hindu Marriage Act before the family Court at Chennai.

7. That the respondents shall not have any further claim from the Appellant towards maintenance either past, present or future.

8. That both parties has taken possession of their respective articles, personal belongings and the

parties have no claim whatsoever against each other either past, present or future.

9.That the respondents hereby undertake to withdraw M.C.No.44 of 2014 pending on the file of the Family Court at Erode.

10.That the parties hereby withdraw all the allegations and the counter allegations made in the above said matrimonial proceedings.

11.That the parties herein have signed this memorandum of Compromise without any force, undue influence or coercion and they have signed on their free will and volition.

12.That both parties herein shall withdraw or discontinue all the petitions/complaints/litigations/cases either Civil or Criminal which are pending against each other. Both parties have agreed that they will not institute any fresh complaints/litigations/cases either Civil or Criminal against each other and their respective families in future.

3.The said Joint Memo of Compromise shall be treated part and parcel to the decree in A.S.No.269 of 2013. Accordingly, the present Appeal Suit stands disposed of, as settled out of Court. No costs.

4.The appellant is entitled for refund of Court fee as contemplated under Section 69(A) of the Tamil Nadu Court Fee and Revaluation Act. Registry is directed to refund the Court fee by following the procedures.

Sd/-

Assistant Registrar(CS III MDU)

//True Copy//

Sub Assistant Registrar

hvk  
To

The Principal District Judge,  
Erode.

Copy to:

The Section Officer,VR Section, High Court,Madras.

+1cc to Mr.V.P.Sengottuvel , Advocate SR.No. 13187

+1cc to Mr.S.Sathishrajan , Advocate SR.No. 13014

A.S.No.269 of 2013

A.SK(03.02.2021) .