

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.A.Nos.2303 & 2304 of 2016

S.Saravanakumar Chowdry ... Appellant
in both CMAs/ Petitioner/ Respondent/Husband

Vs.

Subha ... Respondent
in both CMAs / Respondent/ Petitioner/Wife

PRAYER : Appeals filed under Section 19 of the Family Courts Act against the order and decree passed in H.M.O.P.No.297 of 2010 and H.M.O.P.No.3759 of 2011 dated 30.03.2016 on the file of Principal Family Judge, Chennai.

For Appellant : Mr.K.Soundararajan
(in both CMAs)

For Respondent : Mr.V.S.Rajaram
(in both CMAs)

सत्यमेव जयते

COMMON JUDGMENT

(Delivered by M.M.SUNDRESH.,J)

These appeals are preferred against the order dated 30.03.2016 passed in H.M.O.P.No.297 of 2010 and H.M.O.P.No.3759 of 2011 by the Principal Family Judge, Chennai.

2.When the matter is taken up for hearing today, both the learned counsel appearing for the appellant and the respondent filed a memorandum of compromise duly signed by the parties. The terms of the memorandum of compromise are extracted hereunder:-

"a) That the Parties herein mutually agreed that an amount agreed to be paid by the Party of the First Part to the Party of the Second Part towards her permanent Alimony and maintenance, past, present and future shall be Rs.35,00,000/- (Rupees Thirty Five Lakhs Only).

b) That the Party of the Second Part hereby undertakes that she shall receive the above said amount of Rs.35,00,000/- (Rupees Thirty Five Lakhs Only) as full and final settlement of all her claims as against the Party of the First Part inclusive of her Permanent alimony and maintenance, past, present and future.

c) That the Parties mutually agree that on account of compromise arrived between them, both the Parties shall appear before the Hon'ble High Court of Madras in 1.C.M.AA.No.2303 of 2016 and 2.C.M.A.No.2304 of 2016, 3.Transfer OP No.28788 of 2014, 4.Crl.R.C.No.1266 of 2017 5. C.C.No.330 of 2012, pending before Hon'ble Judicial Magistrate, Mannargudi, 6. M.C.No.10 of 2017 and E.P.No. of 2018, pending before the Hon'ble Judicial Magistrate, Alandur and 7.D.V. Case M.C.No.74 of 2012, pending before the Hon'ble IX Metropolitan Magistrate Court, Saidapet, Chennai which has been filed by the Party of the First Part and Second Part and shall take efforts by both the Party of the First and Second Part to withdraw/not press the above said cases and for legal separation amicably. That the Parties further declare that they shall jointly co operate in the above case for dissolving their marriage took place on 24.09.2000.

d) That the Party of the First Part shall hand over the Demand Draft on or before 14-02-2020 and the party of the Second Part having agreed to receive a sum of Rs.35,00,000/- (Rupees Thirty Five Lakhs Only) as permanent Alimony, she hereby admit and acknowledge the same on that said date and which sum shall be used by the Party of the Second Part for her welfare and at her discretion or otherwise and hereby covenants that she shall not make any such claim either on her behalf in future.

e) That both the Parties further declares that they have collected back all their jewels and other articles from either parties.

f) The Party of the Second Part appear before the Hon'ble IX Metropolitan Magistrate Court, Saidapet, Chennai in National Lok Adalath today

i.e., 08.02.2020 and shall withdraw the DV case in M.C.No.74 of 2012 and further undertakes to file necessary petitions, affidavits or compromise memo for closure of file or records before the authorities in which she had initiated complaints earlier against the Party of the First Part, in case, if the same is required to be filed.

g) That, in view of the decision to mutually part ways, both the Parties hereby undertakes not to interfere in the lives of each other and their family members in any matter, subsequent to the dissolution of marriage.

h) That both the Parties mutually agree that they shall file necessary petitions, affidavits, etc as may be necessary before the concern courts or other authorities to record the present fact of compromise arrived between them and to bring an end to all the cases that are pending between them in an amicable and peaceful manner.

i) That regarding the custody of the child as agreed by both the parties is to be with the party of the First part and the visiting rights over the child the party of the Second part has every right to visit her child at any time and anywhere.

J) That there has been no coercion or undue influence on either of the parties to this compromise and both the parties herein have entered into the present memo of compromise on their own free will and undertake to abide by this deed in and further undertake that they will not interfere each other personal affairs in future.

k) That both the Parties mutually declare that apart from the jewels, they have mutually exchanged all their other articles, valuables, clothes, etc., and they do not have any claim of any nature whatsoever as against each other."

2. It is submitted that as per the said memorandum of compromise, the appeals are to be allowed. Resultantly, there shall be a decree for divorce and as a consequence, the decree for restitution of conjugal rights will have to be dismissed.

3. Accordingly, the memorandum of compromise filed on behalf of the appellant duly signed by the respondent and as acknowledged by the learned counsel appearing for the appellant shall form part and parcel of the decree.

4. Thus, there shall be decree for divorce in H.M.O.P.No.297 of 2010 and the decree for restitution of conjugal rights in H.M.O.P.No.3759 of 2011 stands set side as the memorandum of compromise has been duly complied with including the payment of a sum of Rs.35,00,000/- (Rupees Thirty Five Lakhs only) by way of D.D.No.001724 drawn on the Axis Bank, Mannargudi Branch dated 14.02.2020 and the receipt was also signed by the respondent today.

5. The Civil Miscellaneous Appeals stand disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

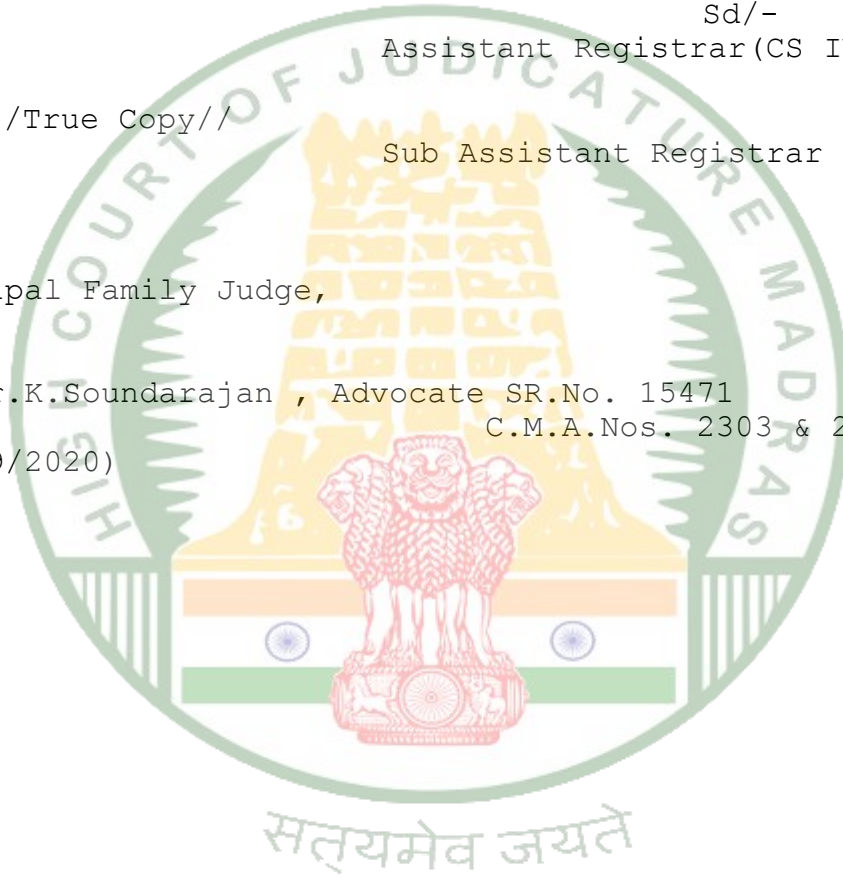
ssm
To

The Principal Family Judge,
Chennai.

+1cc to Mr.K.Soundarajan , Advocate SR.No. 15471

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A.SK(25/09/2020)



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