

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2020

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THE HONOURABLE Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.No.745 of 2019 &
O.A.No.868 of 2019 & A.No.7461 of 2019

G.Mohamed Farhan

.. Petitioner

Vs

Gousiya Farhan

.. Respondent

Original Petition filed under Sections 3, 7 to 10 and Section 25 of the Guardian and Wards Act read with Order XXI Rule 2 and 3 of the Original Side Rules praying to grant permanent custody of the minor boy child, namely Sheikh Zohaar Kabir, born on 05.12.2018, currently aged about 4.5 months; the petitioner be appointed as the guardian of the person of the minor boy child, namely Sheikh Zohaar Kabir, born on 05.12.2018, currently aged about 4.5 months and render justice.

For Petitioner

: M/s.Geeta Ramaseshan

For Respondent

: Mr.S.Sivaraman

ORDER

The learned counsel for both parties submit that the parties entered into a Memorandum of Compromise dated 20.01.2020 and request that the Original Petition may be disposed of in accordance with the said Memorandum of Compromise.

2. I considered the submissions of the learned counsel and examined the Memorandum of Compromise.

3. From the said document, it is evident that both the parties and their respective counsel have signed in the Memorandum of Compromise. The petitioner is present before this Court. The learned counsel for the petitioner submits that the petitioner has given up rights over the minor child who will be taken care of by the mother.

4. The parties have expressly agreed as follows in paragraph-10 of the Memorandum of Compromise:

“10. The party to the first part has filed OS.No.194 of 2019 seeking dissolution of their marriage under the Dissolution of Muslim Marriages Act, 1939 and also a petition for maintenance being M.C.No.450 of 2019 under Section 125 Cr.P.C. The party to the second part has filed OS No.187 of 2018 for restitution of conjugal rights. The said cases are pending before the Hon'ble Vth Additional Family Court, Chennai. The Hon'ble Vth Additional Family Court may dispose of the said cases by way of a decree recording this memorandum of compromise.”

It is also submitted that the said cases were disposed of on 20.01.2020 in accordance with the said Memorandum of Compromise.

SENTHILKUMAR RAMAMOORTHY, J

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5. Therefore, I find that there is no impediment for disposal of this original petition in terms of the said Memorandum of Compromise dated 20.01.2020. Accordingly, the Original Petition No.745 of 2019 is disposed of in terms of the Memorandum of Compromise dated 20.01.2020 which shall form an integral part of the order. Consequently, connected miscellaneous applications are closed.

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21.01.2020

सत्यमेव जयते

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