

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.2832 of 2019

and

C.M.P.No.14747 of 2019

E.Rajendran

S/o.M.Elumalai

... Appellant/Respondents

vs

1.R.Ragapriya

W/o.Rajendran

2.R.Deepthi (Minor)

D/o.Rajendran

3.R.Shalini (Minor)

D/o.Rajendran

(minors represented by their
natural guardian and mother

1st Respondent herein)

... Respondents/Petitioners

Prayer: Civil Miscellaneous Appeal filed u/s.19 of Family Court Act against the order dated 04.04.2019 passed in I.A.No.1 of 2019 in O.P.No.4181 of 2018 on the file of I Additional Principal Judge, Family Court, Chennai.

For Appellant : Mr.G.Vasudevan

For Respondents: Mr.M.Sankar

JUDGMENT

[Judgment of the Court was delivered by R.SUBBIAH, J]

This matter is heard through Video Conference.

2. This appeal arises against the order dated 04.04.2019 passed in I.A.No.1 of 2019 in O.P.No.4181 of 2018 on the file of I Additional Principal Judge, Family Court, Chennai.

3. The brief facts of the case is as follows:

Appellant and first respondent are husband and wife. The marriage between them was solemnized on 25.04.2010 and respondents 2 and 3 are their children. Differences arose between them. Appellant/husband filed H.M.O.P.No.4181 of 2018 on the file of I Additional Principal Judge, Family Court, Chennai,

seeking divorce and first respondent/wife filed H.M.O.P.No.4528 of 2018 seeking restitution of conjugal rights. Respondents have filed I.A.No.1 of 2019 in O.P.No.4181 of 2018 seeking interim maintenance for her and the children. Court below, under order dated 04.04.2019, directed appellant/husband to pay a sum of Rs.10,000/- p.m. to first respondent, Rs.5,000/- p.m. to second respondent and Rs.4,000/- p.m. to third respondent, totalling a sum of Rs.19,000/- p.m., as interim maintenance. Against such order, appellant/husband has filed the present appeal.

4. Heard learned counsel for appellant and learned counsel for respondents.

5. Today, when the matter is taken up for hearing, learned counsel on either side submit that parties have compromised the matter and they have also entered into a Memo of Compromise dated 18.12.2020. Submitting as above, learned counsel pray this Court to dispose of the appeal by recording the said Memo of Compromise.

6. The Memo of Compromise dated 18.12.2020 signed by both parties as well as their respective counsel, reads as follows:

'MEMO OF COMPROMISE

Both the parties amicably resolved their difference of their opinion and settled the matter, under the following terms and condition.

1. The appellant is pleased to withdraw the HMOP No.4181 of 2018 on the file of the Hon'ble I Addl. Family Court, at Chennai.
2. The respondent agrees to not press the application for the maintenance I.A.No.1 of 2019.
3. The appellant father in law and mother in law and brother of the respondent agree to not interfere with the matrimonial life of the appellant and respondent.
4. The respondent agree to withdraw the DVC No.80 of 2019 on the file of the Hon'ble Addl. Mahila Court at Egmore, Chennai.

Hence the decree may be pleased to passed in terms of the above join memo and thus render justice.'

Recording the Memo of Compromise dated 18.12.2020, the Civil Miscellaneous Appeal is disposed of. No costs. Connected

miscellaneous petition is closed. The Memo of Compromise dated 18.12.2020 shall form part of the records.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

The I Additional Principal Judge,
Family Court,
Chennai.

+1cc to Mr.M.Sankar, Advocate, S.R.No. 42968

C.M.A.No.2832 of 2019

SSD(CO)
GN(08/07/2021)



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