

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

CORAM

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

A.S.No.588 of 2019
and
C.M.P.No.18027 of 2019

T.Kiruttinarasu ... Appellant/Defendant

Vs.

1.Lakshmi @ T.Rajalakshmi
2.K.Dheerka Dharshini (minor)
rep. by her mother and natural
guardian T.Rajalakshmi ... Respondents/Plaintiffs

Appeal filed under Section 96 r/w Order XLI Rule 1 of C.P.C
against the fair and decretal order dated 12.04.2019 in
O.S.No.110 of 2009 on the file of the VII Additional Family
Court, Chennai.

For Appellant ... Mr.Venkatesh Mahadevan

For Respondents ... Mr.S.Gunalan

JUDGMENT

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

This appeal has been filed against the order dated
12.04.2019 made in O.S.No.110 of 2009 by the VII Additional
Family Court, Chennai.

2.Today, both the parties are present and a joint memo of
compromise dated 11.02.2020, duly signed by the parties and
attested by the respective counsel, has been filed. The terms of
the joint memo of compromise read as under:

1.It is submitted that the respondents herein
filed O.S.No.110/2009 before the Hon'ble I Additional
Family Court, Chennai for maintenance and the appellant
filed H.M.O.P.No.3640 of 2016 before the Hon'ble III
Additional Family Court, Chennai for divorce.

2.It is submitted that the learned IV Additional Family Court has passed a common order dated 12.04.2019 allowing H.M.O.P.No.3640/2016 and dissolved the marriage between the appellant and the 1st respondent herein on the ground of wilful desertion.

3.It is submitted that the learned IV Additional Family Court passed the following order dated 12.04.2019 in O.S.No.110/2009:

"In the result this suit is decreed and the defendant is ordered to pay a sum of Rs.3000/- per month to each plaintiff, totalling to a sum of Rs.6000/- per month from the date of plaint with an increase of Rs.1000/- each for every year and the amount already paid by the defendant/husband in pursuance of the order in I.A.No.2848/2011 in O.P.No.1530/2011 and I.A.No.5651/2018 in O.P.No.3640/2016 are ordered to be adjusted towards the final quantum of maintenance. The defendant is further directed to pay the school fees & other educational expenses for the 2nd plaintiff which includes the payment already made through exhibits produced by the wife in O.P.No.3640/2016 & in O.S.No.110/2009 and also the future educational needs on demand by the authorities concerned or by producing the receipt by the wife. The amount paid by him if any in respect of the educational expenses of the 2nd plaintiff is ordered to be deducted. The amount of maintenance is ordered to be paid on or before 5th of every English calendar month. No costs."

4.It is submitted that the appellant has filed the present A.S.No.588/2019 in this Hon'ble Court order of the learned IV Additional Family Court dated 12.04.2019 in O.S.No.110/2009.

5.It is submitted that the parties hereto have resolved to amicably settle the issues amongst themselves. Accordingly the appellant agrees to pay a sum of Rs.16,00,000/- (Rupees Sixteen lakhs) to the respondents and the 1st respondent herein agrees to receive the said sum of Rs.16,00,000/- (Rupees Sixteen lakhs) for herself and on behalf of the second respondent by way of two demand drafts dated 11.02.2020 bearing numbers 717450 and 001348 for the sums of Rs.11,00,000/- (Rupees Eleven Lakhs) and Rs.5,00,000/- (Rupees Five Lakhs) and drawn on State Bank of India and IDBI bank respectively as permanent alimony and full and final settlement.

6.It is submitted that the 1st respondent agrees

that she shall not file any appeal against the order dated 12.04.2019 in H.M.O.P.No.3640 of 2016 and the marriage between the appellant and the 1st respondent already dissolved by that order shall be final and binding.

8.It is submitted by the appellant and the respondents that there was no force, fraud or undue influence in filing this joint memo of compromise.

3.Pursuant to the joint memo of compromise, the learned counsel for the appellant paid a sum of Rs.16 lakhs as indicated in para 5 of the joint memo of compromise to the learned counsel for the respondents in our presence.

4.In view of the above, this appeal stands disposed of in terms of the joint memo of compromise dated 11.02.2020 and the joint memo of compromise dated 11.02.2020 shall form part of the decree. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The VII Additional Family Court,
Chennai.

2.The Section Officer
V.R.Section, High Court, Madras.

+1cc to Mr.Venkatesh Mahadevan, Advocate sr no.11996

A.S.No.588 of 2019

RV (CO)
RMP (20/01/2021)

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