

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2020

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THE HONOURABLE Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

**O.P.No.748 of 2019
&
A.No.7144 of 2019**

Mr.Anton Ananth Machado .. Petitioner

Vs

Ameeta Fernando .. Respondent

Original Petition filed under Sections 3, 7 to 10 & 25 of the Guardians and Wards Act VIII of 1890 read with Rule 2 and 3 of the Original Side Rules praying to appoint the petitioner himself as the guardian of the person of the minor for his daughter Selvi A. Sanjana Immaculate (aged about 11 years) by this Court and grant permanent custody to the petitioner and to award the costs of this petition.

For Petitioner :Mr.D.Ferdinand K.M.Aasim Shehzad

For Respondent :Ms.Aruna Ganesh

ORDER

This Original Petition is filed to appoint the petitioner as guardian of the person of his minor daughter Selvi A.Sanjana Immaculate. At the hearing today, the learned counsel for the petitioner and the respondent submitted that the parties entered into a Memorandum of

Compromise dated 28.02.2020.

2. The terms of the understanding are as follows:

1. The minor child-Selvi.Sanjana Immaculate (aged about 11 years) shall continue to be under the care and custody of the Respondent-mother till the same is agreed otherwise and as per the comfort and requirement of the said minor child.

2. The Petitioner shall have visitation rights over the minor child Selvi Sanjana Immaculate (aged about 11 years) on every alternate Saturdays from 05.00 p.m. To 08.00 p.m. Subject to her comfort and academic commitments

3. The Respondent undertakes to drop the children and pick them up at an agreed venue, which can be communicated by e-mail between the parties and the same shall be done 2 days in advance.

4. Neither the Petitioner nor the Respondent will have any objection for the elder child namely Ms.Sheryl Carmelin (aged about 19 years) at present pursuing her 1st year in B.Sc., (Psychology) in Women's Christian College Chennai, accompanying the Petitioner and the minor child during the visitation scheduled.

5. In the event the minor child Selvi

Sanjana Immaculate (aged about 11 years) as well as the elder child Ms.Sheryl Carmelin (aged about 19 years) want to spend more time with the Petitioner on any day other than those fixed for visitation, the Respondent shall not have any objection with regards the same as long as the academic routine, health and extra curricular activities of the children are not affected.

6. The Respondent undertakes to co-operate and assures that there shall not be any kind of hindrance or hurdle from her for the above visitation schedule.

7. The Petitioner has on this day paid a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the Respondent as requested by her.

8. The Petitioner undertake to pay a sum of Rs.18,500/- (Rupees Eighteen Thousand Five hundred only) every month towards the monthly and other miscellaneous expenses for both the children. That part the Petitioner shall pay a sum of Rs.40,0000/- (Rupees Forty thousand only) the Children's expenses for one academic year.

9. Both the Petitioner and Respondent undertake that they shall not in any manner coerce or emotionally blackmail both the children to submit to their respective demands.

10. Both the Petitioner and Respondent undertake to make all efforts to ensure that

both the children are provided the best of love, care and parental affection taking into consideration their welfare, future and well-being.

11. The above understanding is valid for a period of 6 months from now on and the same shall be re-worked in the month of September, 2020.

12. The above terms can be recorded in the present petition, with liberty to the Petitioner to revive the present petition or file a fresh petition at a later point of time.

13. The present MOC is signed and recorded in 3 copies, one copy to be retained by both the parties and the other will be filed into court.

3. As per the terms of the said compromise, the minor child shall continue to be in the care and custody of the respondent/mother. However, the petitioner shall have visitation rights on every alternate Saturday from 05.00 p.m. to 08.00 p.m. In addition, the parties agreed to the payment of Rs.50,000/- by the petitioner to the respondent and the receipt of the said sum is acknowledged in the memorandum of compromise. In addition, the petitioner undertook to pay a sum of Rs.18,500/- p.m. towards monthly and other miscellaneous expenses for both the children. More over, the petitioner agreed to pay a sum of Rs.40,000/- for expenses of the

children for one academic year. It is specified in paragraph-11 that the memorandum of understanding is valid for a period of six months and would be re-worked in the month of September, 2020.

4. I find that there is no impediment to record the said statement and to dispose of this petition in terms thereof. Accordingly, O.P.No.748 of 2019 is disposed of in terms of the Memorandum of Compromise dated 28.02.2020, which shall form an integral part of the order. Both the parties are granted leave to re-apply if required. Both the parties are directed to comply strictly with the terms of the Memorandum of Compromise. Consequently, connected miscellaneous petition is closed.

28.02.2020

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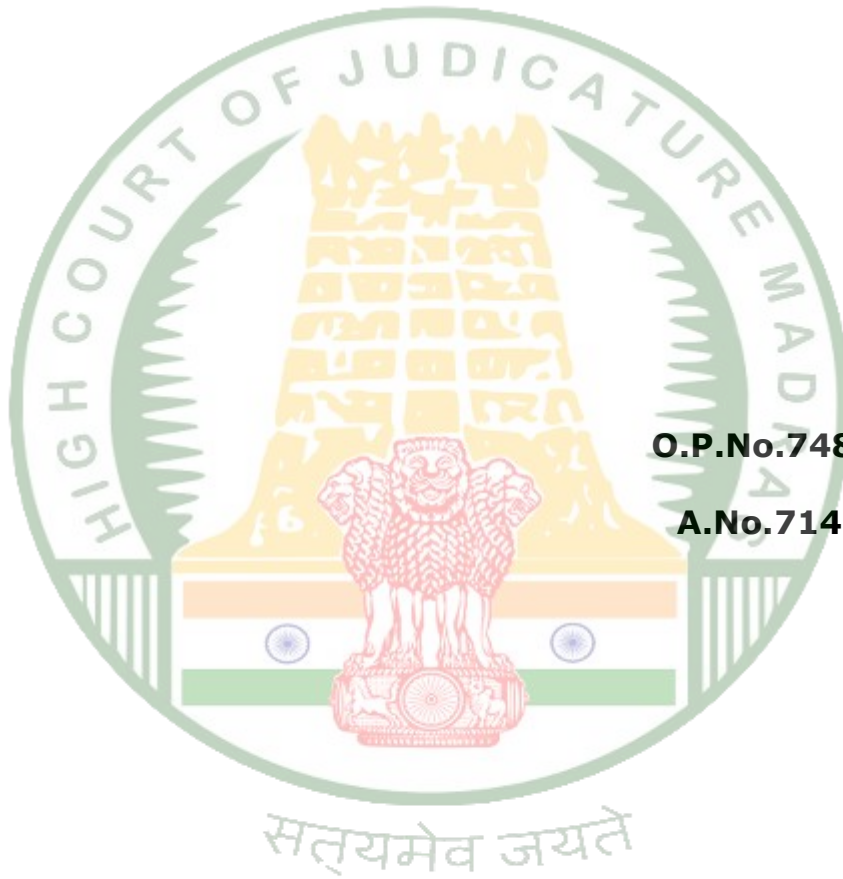
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SENTHILKUMAR RAMAMOORTHY, J

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