

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2020

Coram

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

C.M.A.No. 2694 of 2018
and C.M.P.No. 20373 of 2018

Devika .. Appellant/Respondent

vs.

Sankaribalan .. Respondent/Petitioner

Appeal filed under Section 19 of the Family Courts Act, 1955 against the decreetal order and judgment of Family Court, Ariyalur, dated 04.07.2018 made in H.M.O.P.No.77 of 2017.

For Appellant : Ms.G.Sridevi

For Respondent : Mr.M.Kavikannan

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

This appeal is arising out of the order dated 04.07.2018 passed in H.M.O.P.No.77 of 2017 by the Family Court, Ariyalur.

2.When the matter is taken up for hearing, learned counsel appearing for both sides submitted that the matter has been resolved between the parties through mediation.

3.The joint memorandum of understanding dated 03.02.2020 signed by the parties and duly attested by their respective counsel reads as under:

1. The appellant/wife herein filed this appeal against order passed by Hon'ble Sub Judge, Ariyalur in H.M.O.P.No.77 of 2017 dated 04.07.2018 hereinafter called as the Party of First Part.
- 2.The respondent/husband is defending the case, hereinafter he is called as the Party of Second Part.

3.The Party of the first part and second part agrees that they do not have any issue born through this wedlock.

4.Subsequently the matter was transferred to the High Court Mediation and Conciliation Centre. The matter was amicably settled by both parties herein with the following conditions:

(i)The party of First Part submits that pending the above appeal and the mediation herein, she had received all the arrears of maintenance amount as on date without any arrears pending, as per the order passed by the learned Chief Judicial Magistrate, Cuddalore in M.C.No.9 of 2012 by way of cash.

(ii)The party of the Second part has offered to give Rs.16,00,000/- (Rupees Sixteen Lakhs only) towards permanent alimony and the Party of the First Part herein accept to receive the same as full and final settlement of sum of Rs.16,00,000/- (Rupees Sixteen Lakhs only) from the respondent on the day of this Joint Memorandum of Understanding is signed, by way of Demand drafts (1. D.D. for Rs.8,00,000/- dated 13.01.2020 in ICICI Bank Ariyalur vide D.D. No.500231, 2. D.D. for Rs.8,00,000/- dated 13.01.2020 in ICICI Bank Ariyalur vide D.D.No.500232 totally Rs.16,00,000/-).

(iii)The party of the Second Part has offered to give Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) towards Gold and Silver jewels and ornaments on the date of this memorandum of understanding by way of cash and the Party of the First Part herein accept to receive sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) towards the same.

(iv)On receiving the above payments the Party of the First Part herein accepted to withdraw all the cases filed against the Party of Second Part.

(v)The Party of the First Part herein accepted to withdraw this appeal without any compulsion, any document and her own consent and willingness and she will not press the order of restitution of conjugal rights petition filed by her and ordered by Principal Sub Judge, Cuddalore in H.M.O.P.No.122 of 2018. Further the appellant accept to withdraw the C.M.P.No.195 of 2019

which was pending before The Chief Judicial Magistrate, Cuddalore and the First Part herein accept to raise the attachment of Second Part's salary Account.

(vi).The party of first part agrees to endorse "not pressed" to all the cases filed by her against second party.

(vii).The party of first part shall not claim any further maintenance from the party of second part and his family members for the past, present or future arising out of or incidental to the marriage both parties confirm that they do not have any article of value, personal belonging or other property in their custody and exchange of articles had taken place and have no claim against each other.

4.The Civil Miscellaneous Appeal stands disposed of in terms of the joint memorandum of understanding dated 03.02.2020 and the joint memorandum of understanding dated 03.02.2020 shall form part of the decree. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

mmi

To

1.The Judge,
Family Court,
Ariyalur.

2. The Section Officer VR Section,
High Court, Madras-104

+1cc to Mr.Ms.G.Sridevi, Advocate SR.No.8969

+1cc to Mr.M.Kavikannan, Advocate SR.No.9710

+2cc to Mr.M.Kavikannan, Advocate SR.No.9710(14/09/2020)

C.M.A.No. 2694 of 2018

KK(CO)
GMY(26/08/2020)