

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Ninth day of October Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE R.SUBBIAH

AND

THE HON`BLE MR JUSTICE C. SARAVANAN

C.M.A.NOS.993 AND 994 OF 2018
AND CROSS OBJECTION NO.12 OF 2019

RAMINDER SINGH BATRA [APPELLANT/PETITIONER IN CMA.993 &994/2018
& RESPONDENT IN CROSS OBJECTION.12/2019]

Vs

BHAKTHI SHAH BATRA [RESPONDENT IN CMA.993/2018
& 1ST RESPONDENT IN CMA.994/2018
& 1 & 2 CROSS APPELLANTS IN CROSS.OBJ.12/19]

2 AMAN (MINOR) [2ND RESPONDENT IN CMA.994/2018]
REPRESENTED BY HIS MOTHER
AND NATURAL GUARDIAN
BHAKTI SHAH BATRA 1ST RESPONDENT)

Appeal against to dismiss judgment and Decree of the V
Additional Family Court, Chennai dated 19.09.2017 passed in
O.P.No.378 of 2014 (in CMA.993/2018);

(2) Appeal against to dismiss judgment and Decree of the V
Additional Family Court, Chennai dated 19.09.2017 passed in M.P
NO.698 of 2014 in O.P.No.378 of 2014 (in CMA.994/2018);

(3)Cross Appeal against the fair and executable order dated
19.9.2017 in MP No.698 of 2014 in OP No.378 of 2014 filed under
section 12 of the Protection of Women from Domestic Violence Act on
the file of the Learned V Additional Family Court, Chennai(in Cross
Obj/.12/2019) respectively

Order : These appeals coming on for orders upon perusing
the petition and the affidavit filed in support thereof and upon
hearing the arguments of M/S.P.J.RISHIKESH, Advocate for the
appellant/petitioner in CMA.993 & 994/2018 & Respondent in
CROSS.OBJ.12/2019 and of M/S.S.SURESHKUMAR Advocate (Caveator) on
behalf of the Respondent in CMA.993 & 994/2018 and for the Cross
Appellant in CROSS.OBJ.12/2019 the court made the following order:-

(The Order of the Court was made by R.Subbiah, J)

C.M.A.No.993 of 2018 is filed by the husband as against the order of dismissal dated 19.09.2017 passed in O.P.No.378 of 2014 under Section 13(1)(i-a) of the Hindu Marriage Act, filed by him praying to dissolve the marriage that took place between the appellant-husband and the respondent-wife on 09.11.2006 in Chennai.

2. C.M.A.No.994 of 2018 is also filed by the husband as against the order dated 19.09.2017, partly allowing M.P.No.698 of 2014 in O.P.No.378 of 2014 filed by the wife and the minor child under Section 12 of the Protection of Women from Domestic Violence Act for the following reliefs:

- (a) protection under Section 18 of the Domestic Violence Act;
- (b) maintenance of Rs.85,000/- per month;
- (c) payment towards yearly expenses;
- (d) payment of litigation expenses, and
- (e) compensation for damages for Rs.10,00,000/-.

3. Cross Objection is filed by the wife and minor child seeking to modify the order dated 19.09.2017 passed in M.P.No.698 of 2014 in O.P.No.378 of 2014, and to enhance the quantum of maintenance as ordered by the trial Court at Rs.60,000/- per month.

4. Today, when all the above cases are taken up for consideration, the parties have filed a joint memorandum of compromise dated 11.09.2020, filed on 23.09.2020, signed by both parties and their respective counsels, and in and by which, the husband has agreed to pay one time permanent alimony of Rs.50 lakhs as full and final settlement to the wife in the following manner:

- (i) Rs.8 lakhs in October 2020;
- (ii) Rs.8 lakhs in November 2020;
- (iii) Rs.8 lakhs in December 2020;
- (iv) Rs.8 lakhs in January 2021;
- (v) Rs.8 lakhs in February 2021 and
- (vi) Rs.10 lakhs in March 2021.

It is agreed that the amounts mentioned supra, shall be payable on or before 20th of every month.

5. Further, the wife agreed unconditionally to dissolve the marriage between them and agreed for divorce on receipt of the entire sum of Rs.50 lakhs as scheduled above.

6. It is submitted by the learned counsel for the wife that, since the last payment falls in March 2021, the matter may be directed to be posted in the first week of April 2021, and on that day, the appeals and cross objection may be disposed of.

7. Considering the above joint memorandum of compromise and the submissions made on either side, while recording the terms of the joint memorandum of compromise, the appeals and Cross Objection are directed to be listed in the first week of April 2021 under the caption "for reporting compliance" and for passing final judgment in the matters.

8. The joint memorandum of compromise shall form part of this order.

-sd/-

09/10/2020

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Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDGE
V ADDITIONAL FAMILY COURT,
CHENNAI.

C.C. to M/S.P.J.RISHIKESH Advocate on payment of necessary charges

C.C. TO THE MR. S. SURESH KUMAR ADVOCATE SR.NO.5277

The Government Advocate, High Court, Madras - 104.

Order

in

C.M.A.NOS.993 AND 994 OF 2018
AND CROSS OBJECTION NO.12 OF 2019

सत्यमेव जयते

Date :09/10/2020

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