

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CMA.No.1997 of 2017 and CMP.No.10746/2017

Jeyanthi ... Appellant/Respondent

-vs-

Teeka Raman ... Respondent/Petitioner

Civil Miscellaneous Appeal filed against the order and decree dated 10.03.2017 made in FCOP.No.238 of 2014 on the file of the Family Court, Vellore (Transferred HMOP.No.182/2012 from the file of the Subordinate Judge, Vellore).

For Appellant : Mr.K.Selvakumar
for M/s.P.Veena Suresh
For Sole Respondent : Mr.T.Saravanan

JUDGMENT

(Judgment of the Court was pronounced by T.RAJA, J.)

The Civil Miscellaneous Appeal has been directed against the order and decree dated 10.03.2017 made in FCOP.No.238 of 2014 on the file of the Judge, Family Court, Vellore.

2. When the matter was called, the learned Counsel for the appellant submitted that the dispute between the parties has been settled amicably and two Joint Memos dated 28.04.2018 and 14.11.2018 have been filed to that effect which would show that the respondent husband has agreed to part with a sum of Rs.4,00,000/- to the appellant wife as one time settlement. Therefore, recording the same, the present Civil Miscellaneous Appeal may be disposed of.

3. Learned Counsel for the respondent husband would also agree for the same.

4. In this regard, it is relevant to extract the joint memos dated 28.04.2018 and 14.11.2018 hereunder:

'Joint Memo dated 28.04.2018 filed by the appellant and the respondent:

The parties hereto have arrived at a settlement before court, when the case was listed for hearing today, i.e., 28.04.2018. The respondent herein has agreed to pay a sum of Rs.4,00,000/- (4 Lakhs only) to the petitioner as an one time settlement. The respondent agrees to pay the sum of Rs.4,00,000/- (Four Lakhs Only) within a period of 6 months from the date of this memo to the appellant herein, through their respective counsels. The respondent agrees to allow the petitioner to take back all her articles from the house of the respondent. The appellant herein will not have any future claims against the respondent herein after receiving the above stated sum.''

Joint Memo dated 14.11.2018 filed by the appellant and the respondent:

1. It is stated that the appellant and the respondent filed a Joint Memo in the above Appeal on 28.4.2018, before their Lordships Mr.Justice R.Subbiah and Mr.Justice P.D.Audikesavalu stating that by the parties would settle the matter as agreed between themselves that the respondent will pay a sum of Rs.4,00,000/- to the appellant herein as one time settlement. It is further stated that the Hon'ble Division Bench was pleased to record the Joint Memo dated 28.4.2018 and directed the respondent to pay the appellant a sum of Rs.4,00,000/- by way of two instalments on or before 31.10.2018.

2. It is stated that the respondent has not complied with the orders dated 28.4.2018, passed by the Hon'ble Division Bench and the above appeal was not listed on 31.10.2018. It is stated that the respondent, is now, offering to pay Rs.2,00,000/- in cash towards part payment of the total one time settlement amount of Rs.4,00,000/- and he undertakes to pay the balance payment of one time settlement amount of Rs.2,00,000/-, within a period of month i.e. before 14.12.2018 and the respondent undertakes to deliver all the articles of the appellant on 17.11.2018. It is further stated that the appellant is willing to accept the above offer and hereby received the part payment of Rs.2,00,000/- in cash.''

5. Recording the above two joint memos dated 28.04.2018 and 14.11.2018, the Civil Miscellaneous Appeal is disposed of. Needless to mention that the above said two Joint Memos shall form part of the decree. Further, since it is stated in the Joint Compromise Memo dated 14.11.2018 that the appellant has received only a part payment of Rs.2,00,000/- in cash, the respondent husband is directed to pay the balance one time

settlement amount of Rs.2,00,000/-, if not paid earlier, as agreed by the parties. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

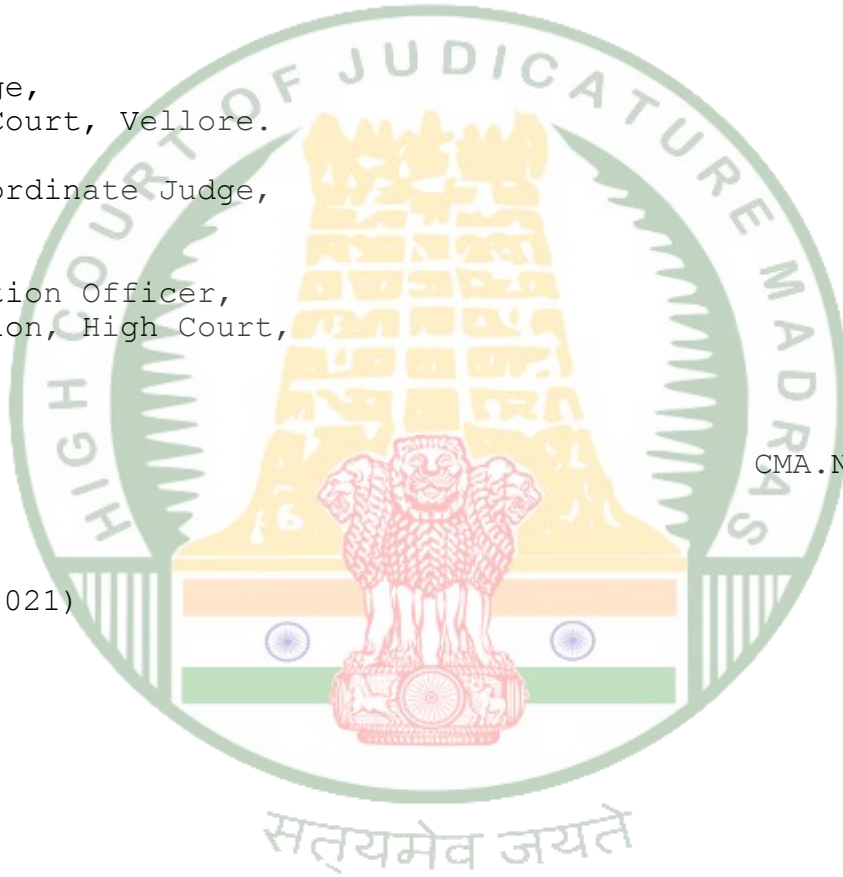
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To

- 1.The Judge,
Family Court, Vellore.
- 2.The Subordinate Judge,
Vellore.
- 3.The Section Officer,
VR Section, High Court,
Madras.

CMA.No.1997/2017

RLD (CO)
GN (05/07/2021)



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