



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A. (MD) .No.360 of 2020

and

C.M.P (MD) No.4693 of 2020

and

C.M.A (MD) No.361 of 2020

Ranjith Kumar ... Appellant/Respondent (in both C.M.As)
-vs-
Thamaraiselvi ... Respondent/Petitioner (in both C.M.As)

COMMON PRAYER: Civil Miscellaneous Appeals filed under Section 19 of the Family Court Act, against the fair and decreetal order dated 28.08.2019 passed in H.M.O.P.Nos.126 and 164 of 2018 on the file of the Family Court, Sivangangai, respectively.

(In both C.M.As)

For Appellant : Mr.C.Jeyaprakash

For Respondent: Mr.S.Srinivasa Raghavan

COMMON JUDGMENT

[Judgment of the Court was delivered by V.BHARATHIDASAN,J.]

Challenging the fair and decreetal order of the Family Court, Sivagangai dated 28.08.2019 passed in H.M.O.P.Nos.126 and 164 of 2018, granting divorce, by allowing the petition filed by the respondent/wife and also dismissing the petition filed by the appellant/husband seeking for restitution of conjugal rights, the present Civil Miscellaneous Appeals have been filed by the appellant/husband.

2. Now pending appeal, it is stated that the parties have settled the dispute between themselves and entered into a compromise, which is reduced to writing. Appellant agreed for divorce and he also received a sum of Rs.5,00,000/- from the respondent/wife.

3.Today, when the matter is taken up for hearing, both the appellant/husband and the respondent/wife, are present before this Court. On enquiry, the appellant/husband submitted that he has received a sum of Rs.5,00,000/- from the respondent/wife and he is not interested in prosecuting the appeals and he wants to withdraw the same.



4.The memo of compromise filed by the appellant/husband and the respondent/wife, dated 23.08.2021, is as follows:

"Memo of Compromise"

It is submitted that, in lieu of mediation effected out of Court, the Parties to the Civil Miscellaneous Appeal have arrived at a consensus to resolve the dispute between them, in terms of this Memo of Compromise. The signatories/Parties to this Compromise memo affirm that they fully agree to the terms of compromise and further affirm to abide by the same.

TERMS

1.Both the parties agreed to dissolve the marriage held on 29.05.2017 between them and accept the decree and Judgement of divorce passed by the Hon'ble Family Court, Sivagangai in H.M.O.P.No.126/2018 dated 28.08.2019 as final.

2. The appellant agreed to withdraw both the C.M.A.Nos.360,361/2020 pending before this Hon'ble Court and he agreed in future is not and anyway preferred any types of civil, criminal or tort cases against the respondent.

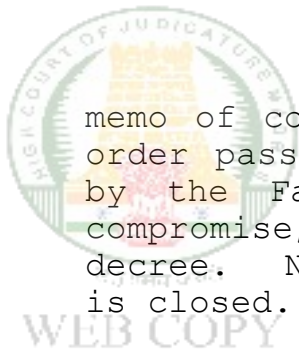
3. The respondent gave Five Lakh rupees by way of cheque in cheque No.248545 dated 27.08.2021 (State Bank of India, Sivagangai branch) as one time settlement. The same has been accepted by the appellate herein.

4. Both parties agreed that in future in any way no one interfere with other's personal or family life.

5. Both parties agreed they shall not claim any right over the opposite parties their property, and not eligible to receive monitory benefits from the Government or other financial institution as a legal heir or nominee."

5.The joint compromise memo, dated 23.08.2021, filed by the parties, counter-signed by their counsel, is taken on record.

6. Considering the circumstance that the matter is settled between the parties, as per the terms of compromise, the appellant/husband is agreed for divorce and received a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) towards permanent alimony, both the Civil Miscellaneous Appeals are dismissed in terms of the



memo of compromise filed by the parties. The fair and decreetal order passed in H.M.O.P.Nos.126 and 164 of 2018, dated 28.08.2019, by the Family Court, Sivagangai, is confirmed. The memo of compromise, dated 23.08.2021 shall form part and parcel of the decree. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PM

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

The Family Court,
Sivagangai.

COPY TO

The Section Officer,
V.R.Section
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

C.M.A. (MD) .No.360 & 361 of 2020
06.09.2021

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