



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

C.M.A(MD)No.563 of 2020

Anet Jeniliya

... Appellant/Respondent

Vs.

T.P.A.Alphonse Kavin

... Respondent/Petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 55 of the Divorce Act, 1869 r/w Section 19(1) of the Family Court Act, 1984 against the Judgment and decree, dated 13.03.2020 passed in I.D.O.P.No.53 of 2015 on the file of the Family Court, Madurai.

For Appellant : Mr.A.John Xavier

For Respondent : Mr.G.Vanjinathan

JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA,J.)**

The Civil Miscellaneous Appeal is filed by the appellant/wife against the judgment and decree, dated 13.03.2020 made in I.D.O.P.No.53 of 2015 on the file of the Family Court, Madurai.

2.The Divorce Petition filed by the husband was allowed. Against which, the above Civil Miscellaneous Appeal is filed by the wife.

3.Pending the appeal, the parties have arrived at an amicable settlement, dated 23.03.2021, which are reduced to writing, the terms of which are as follows:-

"1.The respondent had agreed to pay the appellant a sum of Rs.9,00,000/- as a full and final settlement towards maintenance and further the respondent had agreed to deposit a sum of Rs.15,00,000/- in Post Office in the name of their child namely minor M.A.Likhitha, in a fixed



deposit and the appellant herein had agreed to retain the deposit till child becomes major.

2.The respondent had further agreed to withdraw the petition seeking custody of child in GWOP.No.05 of 2016 on the file of the Family Court, Madurai and the respondent had agreed to withdraw the suit filed by him in O.S.No.547 of 2020 on the file of II Additional Sub Court, Madurai. The respondent agrees for permanent custody of child with the appellant.

3.The appellant had agreed to withdraw the above appeal by consenting to divorce and further to withdraw the petition seeking maintenance in M.C.No.74 of 2019 on the file of the Family Court, Madurai and not to press for the un-numbered petition filed under DV Act, on the file of the Additional Mahila (Magistrate) Court, Madurai. The appellant had further agreed to permit the respondent to visit their child namely minor M.A.Likhitha."

4.Pursuant to the joint compromise memo, the appellant received a sum of Rs.9,00,000/- (Rupees Nine Lakhs Only) through Demand Draft No.628642, dated 22.03.2021 drawn at State Bank of India and another sum of Rs.15,00,000/- (Rupees Fifteen Lakhs) through Demand Draft No.628763, dated 24.03.2021 drawn at State Bank of India, to be kept in deposit for the welfare of the minor child and the said Demands Drafts were also handed over to the appellant/wife.

5.The joint compromise memo, dated 23.03.2021, filed by the parties, counter-signed by their counsel, is taken on record.

6.In view of the same, the Civil Miscellaneous Appeal is disposed of in terms of the joint compromise memo, dated 23.03.2021 and the Judgement and Decree passed in I.D.O.P.No.53 of 2015 by the Family Court, Madurai is confirmed. The said joint compromise memo shall form part and parcel of the judgment and decree No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

Encl:Xerox copy of joint compromise memo
To

1.The Judge,
Family Court,
Madurai.

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

+1 CC to Mr.G.VANJINATHAN, Advocate (SR-14013[F] dated 26/03/2021)

C.M.A (MD) No.563 of 2020
26.03.2021

KM(20.05.2021) 3P 5C