



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Ninth day of September Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

AND

The Hon`ble Mrs.Justice J.NISHA BANU

CMA(MD)No.553 of 2020

GOPISANKAR

... Appellant/Petitioner

Vs

ARCHANA DEVI

... Respondent/Respondent

Prayer :- Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, to set aside the Fair and Decreetal order dated 09/09/2020 passed in Original Petition No.246 of 2020 on the file of the Family Court Judge, Theni.

DECREE:- This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the material papers of the case and upon hearing the arguments of M/s.S.Sethuraman, Advocate for the Appellant and M/s.Lakshmanraj, Advocate for the Respondent, and parties having settled their differences and entered into a compromise between themselves and through their respective counsels and having filed the memo of compromise duly signed by them as well as by their Advocates on 09/09/2021 and upon perusing the memo of compromise, this Court while allowing the Civil Miscellaneous Appeal, by recording the memo of compromise and the original shall part and parcel herewith, doth order and decree as follows:-

1)That the fair and decreetal order passed in OP.No.246 of 2020, dated 09.09.2020, by the Family Court, Theni, be and hereby is set aside and the marriage between the petitioner and the respondent solemnized on 29.08.2012 be and hereby is dissolved in the following terms in the Joint Compromise Memo filed by the parties;

".....(5)That a sum of Rs.12.5 lakhs (Rupees Twelve lakhs Fifty Thousand Only) has been fixed by both the parties and the said consideration being received by the Respondent wife, and based on the same, the Respondent wife is ready to give consent for the divorce as requested by the Appellant husband;



6) That a sum of Rs.4.6 lakhs (Rupees Four Lakhs Sixty Thousand only) is available in the military insurance scheme, which stands in the name of both parties in Saving Bank Account Joint A/C.No.32527251846, IFSC Number - SBIN0013834, State Bank of India, Palanichettipatti Branch at Theni District. The Appellant husband has no objection for the amount being withdrawn by the Respondent wife. The Appellant is ready and willing to give necessary NOC and withdrawal form as and when it is claimed by Respondent wife;

7) That it is submitted that in so far as child (son) Master Sreejith is concerned, he is aged about 8 years. The child has been under the custody of Respondent wife since his childhood. She spends for his studies, medical and all the expenses. She is always ready to take care of him still same as before and in the future also;

8) That the Appellant is enclosing a demand draft for a sum of Rs.7.9 lakhs (Rupees Seven lakhs Ninety thousand only) and odd out of the total sum of Rs.12.5 lakhs (after deducting Rs.4.6 lakhs available in the military Insurance Scheme).....;

"..... 10) That it is submitted that both the parties agree that any or all legal proceedings before any Court / forums will be withdrawn and both parties have no claims whatsoever against each other;

11) That both parties mutually agree that the parties are at liberty to choose their own future individually; and

2) that there be no costs in the Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

To

(The Xerox copy of the Compromise is enclosed).

The Judge,
Family Court,
Theni.

<https://hcservices.ecourts.gov.in/hcservices/>



Copy to: The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai.

WEB COPY

+1 CC to M/s.S.SETHU RAMAN, Advocate SR.No.28740

ORDER DATED : 09/09/2021

=====

DECREE

=====

CMA (MD) No.553 of 2020

Nature of Decree:-

Allowing the Civil Miscellaneous Appeal preferred against the Judgment and Decree of the Judge, Family Court, Theni, dated 09.09.2020 made in OP.No.246 of 2020 in the terms of the compromise memo filed etc., as stated within.

RK (29.09.2021) 3P 5C