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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

C.M.A(MD)NO.905 of 2016

and

C.M.P(MD)No.8306 of 2016

Uma Maheswari,
Daughter of L.Chokkalingam,
Judicial Officers Quarters,
Madurai,
and working as
Judicial Magistrate No.II,
Madurai

:Appellant/Respondent

.vs.

S.Hemandh,
Son of P.Subramanian,
Babu Apartments,
Babu Road,
Opposite to Murugan Theatre,
and working as
Assistant Public Prosecutor at
Judicial Magistrate Court No.V.,
Tiruchirappalli.

:Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act praying this Court to set aside the judgment and decree made in G.W.O.P.No.2 of 2015, dated 28.3.2016, on the file of Family Court Judge, Madurai by partly allowing with conditions No.1 to 10 granting visitation rights and custody during the period of visitation given to the respondent herein.

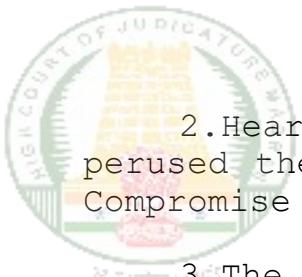
For Appellant
For Respondent

:Mr.D.Srinivasaraghavan
:Mrs.Lakshmi Gopinathan
for M/s.Polax Legal Solutions

JUDGMENT

[Judgment of the Court was made by **PUSHPA SATHYANARAYANA, J.**]

This Civil Miscellaneous Appeal is filed by the appellant/wife challenging the order made in G.W.O.P.No. 2 of 2015, dated 28.03.2016, on the file of Family Court, Madurai, granting visitation rights to the respondent herein/husband, with certain conditions.



2. Heard the learned counsel appearing on either side and perused the materials placed before this Court including the Joint Compromise Memo filed by both the parties.

3. The matter was heard for some time and the parties were also present before this Court along with the minor child. After some deliberations, it was agreed by both the parties that they have arrived at an amicable settlement between themselves regarding the visitation rights to see the minor child by the father, the respondent herein. Accordingly, a Joint Compromise Memo, dated 15.03.2021 is filed before this Court by both the appellant as well as the respondent, which is signed by both of them and also by their respective counsels. The terms in the said Joint Compromise Memo are in modification of the earlier decree passed in G.W.O.P.No. 2 of 2015, dated 28.03.2016, which is under challenge in this Civil Miscellaneous Appeal. Both the parties have agreed for the said terms contained in the Joint Compromise Memo, which reads as follows:

'1. The Respondent herein shall visit the child 'Master U.Sri Prasanna' during the second Sunday of every English Calendar month after giving one week prior intimation through SMS to phone Number 9865242075 of the appellant herein.

2. The parties agree that the respondent/Father on that day can visit the child at Gandhi Mandapam, Chennai from 1 p.m. to 5 p.m., and he shall be permitted to be with the child for 4 hours.

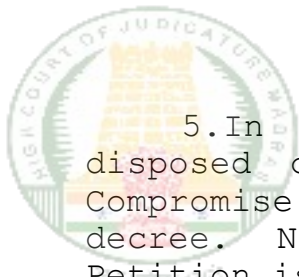
3. Any change of place in future shall be fixed by parties by mutual agreement if needed in future.

4. If there is any difficulty for either parties or to the child for arranging the meeting on second Sunday of the month, they shall have it on 4th Sunday after due intimation among them.

5. During such visitation of the child, both the Appellant and Respondent should not cause any annoyance in the presence of the child.

6. The parties agree that the first visit of the respondent after this compromise shall commence from the month of July, 2021.'

4. It is also relevant to note that the matrimonial dispute between the parties have come to an end and this is only in respect of visitation rights to see the minor child by the father/the respondent. Any modification in the above arrangement can be adjusted as mentioned in the Joint Compromise Memo itself by the parties among themselves.



5. In view of the above, the Civil Miscellaneous Appeal is disposed of in terms of the Joint Compromise Memo. The Joint Compromise Memo shall form part and parcel of the judgment and decree. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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.

ENCL:Xerox Copy of joint Compromise Memo

To

1. The Judge,
Family Court,
Madurai.
2. The Record Keeper, (2C)
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-12103[F] dated 18/03/2021)

C.M.A (MD) NO.905 of 2016
and
C.M.P (MD) No.8306 of 2016
17.03.2021

KM(CO)
KB(19.04.2021) 3P 5C