



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.03.2021**

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL**

**C.M.A(MD)NO.1300 of 2015
and M.P(MD)No.1 of 2015**

Vijaya : Appellant/Respondent

.vs.

J.Alex : Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 47 of the Guardian and Wards Act praying this Court to set aside the judgment and decree made in G.W.O.P.No.477 of 2014, dated 25.08.2015, on the file of Family Court, Tirunelveli.

For Appellant : Mr.J.Ashok

For Respondent : Mr.H.Arumugam

JUDGMENT

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

This Civil Miscellaneous Appeal has been filed by the appellant-wife challenging the order made in G.W.O.P.No.477 of 2014, dated 25.08.2015, on the file of Family Court, Tirunelveli, filed by the respondent-husband herein.

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

3.Today when the matter is taken up for hearing, the learned counsel appearing on either side submitted that appellant/grand-mother and respondent/husband have arrived at a compromise between themselves and hence, a Joint Memo of Compromise, dated 29.03.2021, reduced into writing, was submitted before this Court. Both the parties have appeared before this Court in person and they have also agreed to the terms of compromise. The appellant/grand-mother as well as the respondent/husband and their respective counsels have signed in the Joint Memo of Compromise and the terms of which, reads as follows:



''1.The Appellant and Respondent hereby agree that the minor Joel Kalvin, aged 14 years shall remain in the custody of the Appellant, till the Minor Joel Kalvin attains majority.

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2.The Appellant and Respondent hereby agree that the Respondent is always having the right to visit the Minor Joel Kalvin at any point of time.

3.The appellant and Respondent hereby agree that the Respondent/Petitioner can take the Minor Joel Kalvin along with him for two days in a month on any week end and on festival holidays, with consent of the Appellant and without any deterrent to the studies(education) of the Minor Joel Kalvin and leave the Minor Joel Kalvin to the Appellant on the agreed terms. The Respondent well in advance inform the Appellant about his desire to take the Minor Joel Kalvin. The Appellant and Respondent hereby agree to cooperate each other for smooth process of temporary handing over and restoration of custody of Minor Joel Kalvin with the Appellant.

4.The Appellant and Respondent agree that the interest of Minor Joel Kalvin shall be the paramount consideration.

5.The Respondent shall not claim custody of Minor Joel Kalvin pursuant as per the fair and decretal order dated 12.08.2015 passed in G.W.O.P.No.447 of 2014, on the file of Family Court, Tirunelveli.''

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

Sd/-

Assistant Registrar(CS-II)

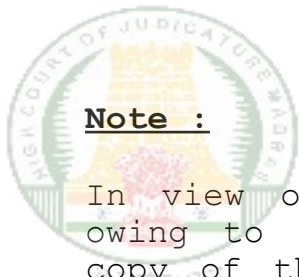
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/ /2021

Sub Assistant Registrar(CS)

vsn

ENCL.: XEROX COPY OF JOINT COMPROMISE MEMO DATED 29.03.2021.



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

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

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-14600[F] dated 30/03/2021)

+1 CC to M/s.J.ASHOK, Advocate (SR-14605[F] dated 31/03/2021)

JUDGMENT MADE IN
C.M.A(MD)NO.1300 of 2015
and
M.P(MD)No.1 of 2015
29.03.2021

SJ(CO)
TR(30.06.2021) 3P 6C