

THE HON'BLE THE CHIEF JUSTICE HIMA KOHLI
AND
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

I.A.No.2 of 2021 IN/AND F.C.A.No.243 of 2019

COMMON JUDGMENT: (Per the Hon'ble the Chief Justice Hima Kohli)

1. The present joint application (I.A.No.2 of 2021) has been filed by the parties seeking permission to place on record the terms of compromise arrived at by them as recorded in the Memorandum of Compromise dated 20.03.2021, copy whereof has been enclosed with the application. Both parties are present in the office of learned counsel and have logged into the hearing virtually along with their counsel.

2. Learned counsel for the parties state that in terms of the settlement arrived at between the parties and recorded in the Memorandum of Compromise dated 20.03.2021, they have agreed that they shall go for divorce by mutual consent and the respondent/husband has paid a sum of Rs.3,00,000/- to the appellant/wife in full and final settlement of all her claims against him. The parties have also agreed that they shall take steps to close all other pending matters against each other by filing quashing applications for which they shall cooperate with each other.

3. This court has perused the Memorandum of Compromise dated 20.03.2021. The same has been signed by the parties and their

respective Advocates. In view of the fact that the parties have arrived at an out of court settlement of their own free will and volition without any undue influence or coercion from any quarters, the same is taken on record. The parties shall remain bound by the terms and conditions of the settlement. Both the parties are at liberty to file a joint petition for divorce by mutual consent before the learned Family Court. They shall also be at liberty to request the learned Family Court to reduce the cooling off period, in view of the fact that they have been residing separately since March, 2015.

4. The present I.A is accordingly allowed and disposed of while binding the parties to the terms and conditions of the settlement. In the event the appellant/wife does not cooperate with the respondent/husband in moving a petition for grant of divorce by mutual consent, the respondent/husband shall be entitled to seek refund of the amount paid to her by filing an appropriate application.

5. The present appeal is disposed of along with other pending applications, if any.

HIMA KOHLI, CJ

B. VIJAYSEN REDDY, J

05.07.2021
JSU