



O.P.No.49 of 2021

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in A.No.235 of 2021

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KRISHNAN RAMASAMY, J.,

This original petition has been filed for appointment of guardian and for custody of the minor child.

2. In this matter, this Court passed the order from time to time for interim custody of the minor child and pursuant to the direction of this Court, the parties appeared in person before this Court.

3. When the matter came up for the last hearing on 16.08.2022, both the parties agreed for mutual divorce. Accordingly, today i.e. 02.09.2022, they filed the joint memo of compromise signed by both parties as well as their learned counsel, which are extracted hereunder:

"The petitioner and the respondent agree to the following terms and most humbly submit to this Hon'ble Court as follows:

1. The custody of minor child Nadya shall be retained by the Respondent/Mother i.e. Ms.Noora Ariff Sultan.

2. Petitioner/Father will visit the child under supervision on Saturday afternoon for such time as would



be decided by this Hon'ble Court; either at a public place or at the residence of either party as determined between the parties 24 hours prior to the scheduled visitation. The child shall be accompanied by the mother or kin of the mother during said visitation. In case visitation is not convenient on account of health of the child same will be carried over to next weekend only in the interest of the child.

3. Commute of the child to and from the visitation shall be taken care of by the Respondent/Mother or her kin accompanying the minor child.

4. Father i.e. the Petitioner herein shall pay a sum amount of Rs.13,000/- (Thirteen Thousand Only) per month as maintenance towards the minor child Nadya and the same shall be payable on or before the 5th of each month of the English calendar.

5. Petition for Divorce i.e. O.P.2930 of 2022 and M.C.348 of 2022 filed by the Respondent herein pending before the II Additional Family Court would be closed and settled on the above agreed terms and as determined and directed by the order of this Hon'ble Court. Dated on this the 2nd Day of September, 2022."



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4. Further, both the learned counsel requested this Court to pass the orders based on the joint memo of compromise filed by the parties and in the joint memo of compromise, the parties have agreed for payment of monthly maintenance by the father to the minor child for a sum of Rs.13,000/- until the child attains majority and further, they also agreed for mutual divorce. As regards visitation rights, the learned counsel would submit that the father/petitioner can be permitted on every 1st and 3rd Saturday from 5.00 p.m. to 7.00 p.m. at the premises where the child is residing with her mother while on every 2nd and 4th Saturday, either the mother or any other nominated representative of the mother, shall take the child to the father's place at 5.00 p.m. and pick up the child at 7.00 p.m. for the first two months from the date of receipt of copy of this order. The visitation is permitted in the presence of either mother or any other person nominated by the mother. Thereafter, liberty is granted to the parties for approaching the Court for modification if needs.

5. In view of the joint memo of compromise and in view of the submission made by both the learned counsel, this Court is inclined to pass the following order:

1. The joint memo of compromise is recorded and the same shall form part and parcel of the order.
2. The visitation right is granted to the petitioner/father on every 1st and 3rd Saturday from 5.00 p.m. to 7.00 p.m. at the



premises where the child is residing with her mother.

3. On every 2nd and 4th Saturday, either the mother or any other nominated representative of the mother, shall take the child to the father's place at 5.00 p.m. and pick up the child at 7.00 p.m.

4. During the visitation, it is made clear that the petitioner/father shall not consumed any alcohol or drugs etc and in the event he is found having consumed alcohol or drugs etc., the respondent/mother shall not permit the petitioner/father to see his child and bring into the knowledge of this Court immediately.

5. The above arrangement of visitation right shall be given effect to for a period of two months from the date of receipt of a copy of this order or until the date of modification of this order by this Court, whichever is later.

6. Liberty is granted to the parties to approach this Court seeking for any modification as regards the visitation rights after two months.

7. The petitioner shall pay a sum of Rs.13,000/- as maintenance to the minor child till the child attains the majority. The maintenance shall be paid to the mother of the child either directly to her bank account or as otherwise, as mutually agreed by by them, on or before 5th of every month. The petitioner shall reconsider to increase the payment of maintenance, once if he got the employment back.



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8. Upon the production of this order copy, the Family Court shall pass appropriate orders in O.P.No.2930 of 2022 and close the M.C.No.348 of 2022 and grant divorce in O.P.No.2930 of 2022. In M.C.No.348 of 2022, the Family Court shall record the observation made by this Court in this order with regard to the payment of maintenance and also with regard to custody matter since as per the joint memo of compromise entered between the parties, the child will be permitted under the custody of the mother. Both the parties have agreed for visitation.

6. In the light of the above, while this Original Petition is disposed of on the above terms, this Court also appoint the mother/respondent herein, as guardian of the person of the minor daughter namely, Nadya Daniel Yacob.

7. The mother/respondent is also directed to execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) in favour of the Assistant Registrar (O.S.-II), High Court, Madras.

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