



C.R.P.No.1227 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.1227 of 2022

M.Iyyamperumal

... Petitioner

Vs.

1.M.Muthulakshmi

2.I.Nithish Raj (Minor)

Rep.by his mother and natural guardian m.Muthulakshmi.

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 11.02.2020 in (MP.No.20 of 2020) E.P.No.20 of 2020 in M.P. No.508 of 2019 in M.C.No.476 of 2018 pending on the file of the V-Additional Family Judge at Chennai.

For Petitioner : Mr.S.Sathikumar

For Respondent : M/s.Vijaya Lakshmi



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ORDER

The civil revision petition has been filed to set aside the order dated 11.02.2020 (MP No.20 of 2022) E.P.No.20 of 2020, in M.P. No.508 of 2019, in M.C.No.476 of 2018, pending on the file of the V-Additional Family Judge at Chennai.

2.The marriage between the petitioner and the respondent was solemnised on 06.06.2016 as per the Hindu rites and customs. One male child was born from and out of the wedlock between the petitioner and the first respondent and now the minor boy is in the custody of the mother/first respondent.

3.During the pendency of the Civil Revision Petition at the request of the parties, the matter was referred to mediation for negotiation and settlement. The Mediation and Conciliation Centre, High Court of Madras submitted a report stating that the issue between the parties have been settled. Accordingly, the petitioner and the first respondent agreed for the dissolution of the marriage by mutual consent. The terms agreed between the



parties in the settlement reads as under:

SETTLEMENT AGREEMENT

*This SETTLEMENT AGREEMENT entered into on 20th day of December, 2022 between (1) **M.lyyamperumal**, S/o.P.Mandiramuthu and residing at No.8/576, G7, JJ Nagar, Uppilipalayam, Arulpuram, Palladam, Tiruppur. Hereafter after called the FIRST PARTY.*

And

*(2) **M.Muthulakshmi**, W/o. **M.lyyampeumal**, (3).**I.Nithish Raj** (Minor), S/o.M.lyyampeumal, hereafter called the SECOND and THIRD PARTIES and 2nd & 3rd are residing at Old No.17, New No.38, Anna Street, Nehru Nagar, Velachery, (Check Post) Chennai - 600 042. 3rd respondent is minor Rep. by his Mother and Natural Guardian M.Muthulakshmi,*

WHEREAS

1. Disputes and differences had arisen between the 1st and 2nd Parties hereto and the 2nd party was filed maintenance case against the 1st party on 30.10.2018 before V Additional Family



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Court at Chennai and she obtained interim maintenance against the 1st party on 19.12.2019 in M.P No.508/2019 and she filed execution petition in M.P No. 20/2020 against which the 1st party filed this CRP No.1227/2022. During pendency of the said CRP both the parties are amicably came to settle the issue before this mediation.

2. The matter was referred to mediation / conciliation vide an order dated 09.12.2022 passed by Hon'ble High Court, Chennai.

3. The parties agreed that the advocate Ms. D.Latha would act as their Mediator/ Conciliator.

4. Several meetings were held during the process of Mediation/Conciliation from High Court Mediation center to and the parties have with the assistance of the Mediator / Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.

5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/Conciliator.

6. The following settlement has been arrived at between the



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Parties hereto:

a). The parties states that as per the mutually agreed terms, the 1" party is agreed to pay the sum of Rs.8,25,000/-(Rupees Eight Lakhs and Twenty Five Thousand Only) to the 2nd party, through the Demand Draft towards full and final settlement and permanent alimony towards 2nd and 3rd party. The 1" party further state that the above said amount of Rs.8.25,000/- will be paid to the 2nd party in the following manner as full and final settlement and there is no any past, present and future claim against each other apart from the above full and final one time settlement amount of Rs.8,25,000/-

b). The 1" party agreed to pay Rs.4,00,000/-(Rupees Four lakhs Only) to the 2nd party today i.e.21.12.2022 at the time of signing this settlement agreement before this Hon'ble Mediation Center (DD No.8244 216 dated 19.12.2022, Bank of India, Udumalpet Branch, Coimbatore.

c). The balance amount of Rs.4,25,000/-(Rupees Four Lakhs and Twenty Five Thousand Only) will be paid to the 2nd party at the time of dissolving the marriage between the 1" party and 2nd party. The



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2nd party also agreed for the same.

d). Both the parties agreed that they have already exchanged all their articles and they have no any past, present and future claim against each other apart from the above full and final one time settlement amount of Rs.8,25,000/-. Based on the above said agreed terms the 1st Party has agreed to withdrawn the O.P. No.5414 of 2021 which is pending before the Hon'ble V Additional Family Court at Chennai.

e). Both the parties agreed that, the 2nd party hereby agreed to withdraw the M.C. No.476 of 2018 which is pending before the Hon'ble V Additional Family Court, Chennai and also she agreed that by virtue of above one time settlement of Rs.8,25,000/-, the 2nd party herself and on behalf of 3rd party herein undertake that, she will not proceed to execute the order passed in M.P No.508/2019 in M.C. No.476 of 2018 dated on 19.12.2019 directing the 1st party to pay sum of Rs.10,000/- per month to the 2nd party and to pay sum of Rs.5,000/- per month to the 3rd party as monthly interim maintenance.



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f). Both the parties agreed that the 3rd party will be in the custody of the 2nd party only and she agreed that all the liabilities of the 3rd party will be taken care of 2nd party and the 3rd party does not have any further rights in the belongings of 1st party viz. jewels, Land, Property, etc,

g). Both the parties agreed that both of them are convinced that their marriage has been broken beyond reconciliation and they cannot live with each other as husband and wife. Hence both the parties mutually agreed to submit this petition for divorce before this Hon'ble High Court under section 13(B) of the Hindu Marriage Act 1955.

h). Both the parties agreed that there is no collusion or connivance for filing this agreement and the consent has not been obtained by threat, force, coercion or undue influence. This agreement is signed before this Hon'ble High Court jointly by both the parties out of their free will.

i). Both the parties agreed that it is just and necessary that the matrimonial relationship between the 1 and 2 parties should be dissolved by mutual



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consent.

j). Both the parties mutually agreed that the marriage between 1st and 2nd party was solemnized on 06.06.2016 at Sri Mutharamman Kovil, kulasekarapattinam, Thiruchendur, Thoothukudi District and the same was registered before the Velacherry Sub Registrar Office vide Document No.250/2016 dated on 19.07.2016 shall be dissolved.

7. By signing this Agreement the Parties hereto state that they have no further claims or demands against each other with respect to M.C No.476/2018 pending on Hon'ble V Additional Family Court at Chennai or any other case or cases filed between both the parties in future and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of conciliation /Mediation.

4.In view of the agreement between the parties, expressing their mutual consent for divorce, the marriage solemnised between the revision petitioner and the first respondent stands dissolved.

5.Accordingly, the Civil Revision Petition stands **disposed of**.



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However, there shall be no order as to costs.

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22.12.2022

Index:Yes

Internet:Yes

Speaking Order

To

1. V-Additional Family Judge at Chennai.



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S.M.SUBRAMANIAM.J.,

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