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C.M.S.A.No.11 of 2019

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 14.11.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.S.A.No.11 of 2019

and

C.M.P.No.9302 of 2019

Parimalam

... Appellant/Appellant/Respondent

Vs.

S.Udayasuriyan

...Petitioner/Respondent/Respondent

Prayer: Civil Miscellaneous Second Appeal is filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 16.11.2018 in C.M.A.No.201 of 2016 on the file of the learned Principal District Judge, Namakkal, confirming the Fair and Decreetal Order dated 08.01.2016 in H.M.O.P.No.90 of 2013 on the file of the learned Subordinate Judge, Namakkal.

For Appellant : Mr.S.Rajeni Ramadoss

For Respondent : Mr.D.R.Arun Kumar



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JUDGMENT

By order dated 13.04.2022, this Court had directed the parties to the proceedings to appear in person in my Chambers along with the child on 27.04.2022. On 27.04.2022, the petitioner/mother had appeared with the minor daughter Harini and the father had also appeared. Both parties had appeared with their respective counsels.

2.After discussions with the parties, the appellant/wife and the respondent/husband agreed to compromise the issue and to bring an end to the litigation the appellant had agreed to withdraw her appeal challenging the divorce granted on condition that the husband gives 40 sovereigns of 24 carat gold to his minor daughter Harini and to deposit a sum of Rs.15 lakhs to credit of minor Harini within six months. The respondent husband was directed to give an Affidavit of Undertaking and the matter was listed on 29.04.2022. On 29.04.2022, the Affidavit



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of Undertaking was taken on file and the matter was directed for reporting compliance on 29.07.2022.

3.The respondent/husband has now given 40 sovereigns of 24 carat gold to the daughter and has also paid a sum of Rs.15,00,000/- to the minor daughter under two Demand Drafts one for a sum of Rs.2,00,000/- on 02.11.2022 and another for a sum of Rs.13 lakhs which has been paid by the husband under Demand Draft No.001449, dated 11.11.2022 to the wife and the minor daughter, .

Considering the fact that the respondent/husband has complied with the Undertaking given by him, the appellant/wife that the appeal be dismissed after eschewing the allegations made by the respondent/husband in the petition for divorce. The counsel for the respondent/husband has no objection to the allegation being eschewed. Accordingly, this Civil Miscellaneous Second Appeal is dismissed with a direction that the allegations made by the respondent/husband against



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his wife in the appeal stand eschewed and consequently, the Decree for divorce granted by the Courts below is confirmed subject to the above condition. No costs. Consequently, connected Miscellaneous Petition is closed.

14.11.2022

Index : Yes/No
Internet : Yes/No
Speaking order / Non speaking order
mps

To
1.The Principal District Judge,
Namakkal.

2.The Subordinate Judge,
Namakkal.



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P.T. ASHA, J,

mps

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