



O.P.No.36 of 2017

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P.VELMURUGAN, J.

This Original petition has been filed under Sections 3, 7 to 10 & 25 of Guardian and Wards Act, 1890 r/w Order XXI Rule 2 and 3 of Original Side Rules, 1956 r/w clause 17 of the Letters Patent praying (a) to grant permanent custody of the minor boy child Sahishnu, born on 06.02.2015, currently aged about nearly 2 years to the petitioner ; and (b) to appoint the petitioner as the guardian of the person of the minor child.

2.When the matter is taken up for hearing, the learned counsel for the petitioner and the learned counsel for the respondent would state that the dispute between the parties has been amicably settled. The petitioner as well as the respondent are present along with their respective counsel and a Joint Compromise Memo dated 06.04.2022 signed by the parties as well as their counsel, is filed to that effect. The terms and conditions of the Joint Compromise Memo dated 06.04.2022 is extracted hereunder :

"i) The second party agreed to withdraw O.P.No.808 of 2016 before the Hon'ble I Additional Family Court, Chennai filed against the first party under Section 13(1)(i-a)



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of the Hindu Marriage Act. The second party hereby withdraws the allegations levelled against first party and his family members herein in her divorce petition of O.P.No.808 of 2016. Both the parties agree to file a petition for Mutual Consent before the Hon'ble Family Court, Chennai.

ii) Whereas, the first party agrees to pay a sum of Rs.14,00,000/- (Rupees Fourteen Lakhs only) to the Second party for all her claims as full and final settlement as permanent alimony. The petitioners submit that there are no claims against each other for the return or exchange of articles, jewels, and silverware or personal belongings. Both the parties hereby declare that there will be no claim against each other in future for maintenance, alimony or share in any property whether movable or immovable and the said settlement is the full final settlement.

iii) The First party though filed the Guardian and Wards petition before this Hon'ble Court in O.P.No.36 of 2017 now agrees in the interest and welfare of the minor child Sahishnu who is now in the custody of the mother, that the Second party who is the mother may be appointed as the Guardian of the minor child and given permanent custody of the child to her now and forever based on this



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Memorandum of Compromise and he withdraws the allegations made against the Second party and her family members in this proceedings. The First Party waives his entire rights of visitation on the minor child Sahishnu born on 06.02.2015. It shall be the entire responsibility of the Second party to maintain the child, take care of his expenses towards maintenance, education and all his future expenses. That since the first Party has given up all his rights over the minor child Sahishnu including his visitation rights, he will not be liable and is also not willing to take up any future financial responsibilities of the child, other than the final settlement amount of Rs.14,00,000/- (Rupees Fourteen Lakhs only) drawn as a Demand Draft bearing No.916155 dated 15.03.2022 drawn on State Bank of India, J.P.Nagar Branch in favour of the 2nd party towards her permanent alimony and the draft will be handed over to the Second Party at the time of signing the petition for divorce by mutual consent on the date of presentation of petition as stated in the petition for divorce by mutual consent.

iv) Both the parties hereby expressly given an undertaking that they will not take any civil or criminal action against each other or their respective family members against the person or property and they shall not interfere against each other or their respective parents in any manner



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or any nature in future and not make any claim or demand whatsoever. Should there be any proceeding initiated by any parties against the other and the same is now pending the parties agree to withdraw the same duly. There is no claim in future against each other. The first and second party declare that they shall not make any claim against the properties possessed by the respective parties now and in future. Both the parties declare that they will not initiate any other proceedings in respect of this matrimonial dispute or properties under any law in this country or in any foreign country in future.

v) After the grant of divorce, both parties agree that they will not interfere with the personal life of the other in any manner whatsoever. They are free to lead their life without the interference of the other and carry on their job and settle and live peacefully in any place of their choice anywhere in the Globe. The Second party is free to take the child along with her and settle in any country of her choice.

vi) Both parties give an undertaking and solemnly declare that there is no coercion, threat or undue influence in arriving at this memo of understanding. No other similar case is pending against both the parties in any other Court of law.

Hence, both parties hereunder mutually agree to the terms and conditions of this Memo of Compromise."



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3. In the light of the above, this Original Petition is disposed of in terms of the Joint Compromise Memo dated 06.04.2022. The joint memo of compromise shall form part of the order.

12.04.2022

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