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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

C.M.A.No.2829 of 2018

S.Hariraj

...Appellant

Vs.

P.Indumathi Patalay

...Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act 1984 r/w 28 of the Hindu Marriage Act, 1955, praying to set aside the judgment and decree in O.P.No.1792 of 2015, dated 03.04.2018 on the file of the V Additional Family Court Judge, Chennai.

For Appellant : Mr.A.S.Narasimhan

For Respondent : M/s.Geetha Ramaseshan

J U D G M E N T

[Judgment of the Court was delivered K.KALYANASUNDARAM, J]

This appeal is directed against the judgment and decree passed in O.P.No.1792 of 2015 by the V Additional Family Court, Chennai.

2. The appellant/husband filed the Original Petition No.1792 of 2015 against the respondent/wife for dissolution of marriage under Section 13 (1) (ia) (ib) of the Hindu Marriage Act. The learned Judge dismissed the Original Petition. Challenging the same, the present appeal has been filed.

3. When the matter was taken up for hearing, at the request of the learned counsels, it was referred to mediation. The Mediation Center sent a report along with joint memorandum of understanding, dated 22.03.2022 signed by both the parties and their counsels. The said joint memorandum of understanding would run thus:



"Joint Memorandum of Understanding filed by the
Appellant and Respondent

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1. The appellant filed the above appeal against the order of the V Additional Family Court, Chennai in O.P.No.1792 of 2015, dated 21.03.2018.

2. This Hon'ble Court referred the parties for mediation vide order dated 10.03.2022 and Mr.C.Kanagaraj was appointed as mediator. The mediation was conducted by the mediator on various dates and thereafter the appellant and the respondent have decided to amicably settle their disputes on the following terms and conditions.

3. The parties have agreed to dissolve their marriage by mutual consent in the following manner:-

a) Parties shall file an affidavit seeking dissolution of their marriage before the Hon'ble High Court;

b) In the alternate, parties agree to file a petition for divorce by mutual consent before the Family Court at Chennai.

4. The appellant agrees to pay a sum of Rs.2,70,000 (Rupees two lakhs and seventy thousand only) to the respondent as permanent alimony and the respondent shall have no further claims with respect to any maintenance, past, present and future and alimony from the Petitioner.

5. The said sum shall be given by the appellant to the respondent, by way of demand draft, at the time of filing affidavit in the above C.M.A.

6. In the event of the parties filing a petition for divorce by mutual consent, the said sum shall be paid in the following manner:-

a) A sum of Rs.1,35,000/- (Rupees one lakh and thirty five thousand) shall be paid to the respondent, by way of demand draft, at the time of filing the mutual consent divorce petition.

b) The balance sum of Rs.1,35,000/- (Rupees one lakh and thirty-five thousand) shall be paid to the respondent, by way of demand draft, at the time of recording evidence in the mutual consent divorce



petition.

7. Parties agree that the respondent shall retain the gold mangalyam of 15.4 grams, given by the appellant to the respondent.

8. Parties agree not to interfere in each other's lives in any manner whatsoever, and shall have no claims against each other in respect of their matrimonial disputes.

9. The appellant and the respondent therefore agree to the above-mentioned terms and the above CMA.No.2829 of 2021 may be disposed of accordingly. "

4. The learned counsel appearing for the parties would state that the dispute between the parties had been settled and as per the joint memorandum of understanding, now the parties have filed separate affidavits to dissolve the marriage. Both the appellant and the respondent are present before this Court and stated that the marriage solemnised between them on 25.04.2012 can be dissolved.

5. In the light of the above, this appeal is disposed of in terms of joint memorandum of understanding, dated 22.03.2022. The marriage solemnised between the appellant with the respondent on 25.04.2012 at Sri Partha Mini Hall, is dissolved by granting decree of divorce. No costs. The mediation report along with the joint memorandum of understanding shall form part of the decree.

Sd/-
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

pvs

To

1. The V Additional Family Judge, Chennai
2. The Section Officer,
VR Section, High Court, Madras.

+2ccs to M/s.Geetha Ramaseshan, Advocate SR.No.29642
C.M.A.No.2829 of 2018

SSV(CO)
GMY(08/06/2022)