



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKA RAMAN
C.M.S.A. (MD) No.38 of 2019

WEB COPY

R.Venkateswaran
S/o.B.Ramasamy ... Appellant/Appellant/Petitioner

Vs.

M.Latha,
W/o.R.Venkateswaran ... Respondent/Respondent/Respondent

PRAYER: Civil Miscellaneous second Appeal filed under Section 28 of HM Act, to call for the records and set aside the judgment and decree dated 30.04.2019 passed in C.M.A.No.20 of 2017 by the Principal District Judge, Tiruchirapalli in confirming the judgment and decree dated 06.01.2017 passed in H.M.O.P.No.670 of 2010 by the Principal Subordinate Judge, Thiruchirapalli.

For Appellant : Mr.V.R.Venkatesan
For Respondent : Mr.R.G.Shankar Ganesh

JUDGMENT

This Civil Miscellaneous Appeal is arising out of common point rendered in H.M.O.P.No.670 of 2010 and H.M.O.P.No.130 of 2010.

2.The appellant and the respondent are husband and wife.

3. H.M.O.P.No.130 of 2010 was filed by the respondent/wife for Restitution of Conjugal Rights before the Sub Court, Tiruchirapalli and the same was allowed. H.M.O.P.No.670 of 2017 was filed by the husband for divorce and the same was dismissed by way of common order dated 26.04.2017.

4. Aggrieved against the dismissal order in H.M.O.P(MD). No.670 of 2017, the appellant/husband has filed C.M.A(MD).No.20 of 2017 and the same was also dismissed. Challenging the said dismissal judgment, the present Civil Miscellaneous Petition has been filed.

5. Both the parties and their respective counsel are present before this Court. The parties have one daughter aged about 16 years, who is now in the custody of the mother/respondent. Pending this Civil Miscellaneous Appeal, both the parties entered into a compromise and filed a compromise memo before this Court.



6. The joint compromise memo, dated 10.03.2022, filed by the parties, counter-signed by their counsel, is taken on record. The compromise memo has been explained to the parties and they agreed the terms of compromise.

7. As per the compromise memo, dated 10.03.2022, the appellant/husband taken a demand draft No.278056 dated 30.03.2022 for a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) in favour of respondent/wife and another Demand Draft No.278055 dated 30.03.2022 for sum of Rs.9,00,000/- (Rupees Nine Lakhs only) in favour of his daughter, namely, L.V.Mridhula Shree and also the appellant undertakes to make a fixed deposit for a sum of Rs.6,00,000/- (Rupees Six Lakhs only), will be made within a period four of weeks from today (i.e 13.01.2022), on such fixed deposit being made in his daughter's name till she attains the age of 21 for the purpose of her study and the same was accepted by his wife.

8. Considering the facts and the circumstances of this case, the marriage solemnized between the parties on 06.06.2004 shall stand dissolved and the custody of the child shall be with the mother till she attains majority. With regard to the visiting rights, liberty is granted to the appellant to file a petition for visiting rights before the trial Court, if he is so advised.

9. The appellant is directed to make a fixed deposit at Indian Bank, High Court Branch, Madurai, within a period of four weeks from today i.e 13.04.2022 till the minor attains the age of 21 years. The mother of the minor daughter will be a nominee.

10. The Branch Manager, Indian Bank, High Court Branch, Madurai, shall permit the appellant to make a fixed deposit in their bank.

11. Considering the circumstance that the matter is settled between the parties, as per the terms of compromise, this Civil Miscellaneous second Appeal is disposed of with the above said directions. The memo of compromise, dated 10.03.2022 shall form part and parcel of the decree. No costs.

Sd/-

Assistant Registrar(AE)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Principal District Judge, Tiruchirapalli.
2. The Principal Subordinate Judge, Thiruchirapalli.
3. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

Copy to

The Branch Manager,
Indian Bank,
High Court Branch,
Madurai.

+1 CC to M/s.V.R. VENKATESAN, Advocate (SR-19076[F] dated
18/04/2022)

C.M.S.A.No.38 of 2019
13.04.2022

sj (CO)
TR(19.04.2022) 3P 7C