



C.M.A.No.127 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MR. JUSTICE D.BHARATHACHAKRAVARTHY**

**C.M.A.No.127 of 2023
and
C.M.P.No.1125 of 2023**

Afzal Raheel Hussain

... Appellant

Vs.

Zakira Asghar Khan

...Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, 1984 against the order of the learned V Additional Principal Family Judge at Chennai dated 01.11.2022 in I.A.No.01 of 2022 in O.S.No.26 of 2021.

For Appellant : Mr.Bader Sayeed

For Respondent : Mr.Mohammed Fiaz Ali
for Mr.P.N.Vignesh

J U D G M E N T

After mediation, both the parties have come to an amicable



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settlement. The mediation report is received with the joint memorandum of compromise duly signed by both the parties and their counsel. Therefore, the Civil Miscellaneous Appeal is disposed of in terms of the joint memorandum of compromise.

2. The Joint Memorandum of Compromise dated 12.06.2023 is extracted hereunder.

"It is respectfully submitted on behalf of the Parties hereto as follows:

1. Whereas, Marriage between the Appellant and Respondent above named was solemnized on 06.08.2017 at YMCA Madras, 6/74, Ritherdon Road, Vepery, Chennai according to Muslim Rites and Customs. In the Wedlock a male child was born to them and the child was named as Mohamed Saad. The child is presently 5 years old and is in the custody of the mother, the Respondent herein.

2. And Whereas, disputes arose between the Appellant an the Respondent and several conciliation attempts were held but failed in bringing reconciliation. The Appellant has pronounced Talaq thrice in the Talaq ul Hassan form and has filed a Suit in O.S.26 of 2021, on the



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file of the V Additional Principal Family Judge at Chennai seeking a Declaring that the Talaq notices are validly issued and that the Marriage solemnized between them stand dissolved as per Sharia with effect from 15.06.2020 and binding on the parties.

3. And Whereas, the Respondent had filed an Interim Application for maintenance in I.A.No.01 of 2022 in O.S.No.26 of 2021 on the file of the V Additional Principal Family Judge and an Order to pay a sum of Rs.25,000/- p.m. was passed against the Appellant herein and the Appellant feeling Aggrieved by the said Order has filed an Appeal before the Hon'ble Madras High Court, Principal Bench in C.M.A.127 of 2023;

4. And Whereas, the Hon'ble Madras High Court has referred the case for mediation by the High Court Mediation Centre and several sessions were held between 25.04.2023 and 12.06.2023 and the Parties with the assistance of the Mediator have Mutually decided to give quietest to all their disputes and have arrived at Terms as follows:

A. The Parties hereto confirm and Declare that they have voluntarily and of their own free



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will arrived at this Settlement Agreement in the presence of the Mediator.

B. The Appellant has agreed to provide a one time Compensation of a sum of Rs.30,00,000/- (Rupees Thirty Lakhs only) in lieu of the maintenance for herself and the child as Full and Final settlement of all the Claims of the Respondent by way of D.D. bearing No.0001242, dated 09.06.2023 and the Respondent has accepted the said um of Rs.30,00,000/- (Rupees Thirty Lakhs only) in lieu of the maintenance for herself and the child as Full and Final Settlement of all her Claims.

C. The Appellant on this day, 12.06.2023, delivers to the Respondent the Gold Chain and a Platinum Ring gifted to the Appellant by the Respondent's family and both parties agree that apart from these two items neither party hereto have any articles or belongings of the other.

D. Both Parties hereto agree that they do not have any other claims either past, present or future as between them.

E. The Appellant herein agrees that the Custody of the child, Mohamed Saad presently 5 years old shall remain permanently with the



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Respondent herein. Further, the appellant agrees that he shall not seek Custody/ Visitation Rights of the child in future.

F. The Respondent herein consents for the Declaration that the Talaq is valid and the marriage between them stands dissolved with effect from 15.06.2020 and binding on the Parties and further consents for the V Additional Principal Family Judge, Chennai to pass a Judgment and Decree in O.S.26 of 2021, to this effect.

G. Both Parties agree for disposal of the Appeal in C.M.A.No.127 of 2023 by the Hon'ble High Court of Madras in Terms of this Joint Compromise Memo.

H. Both parties hereto declare that, apart from the above referred litigations neither party have filed any proceedings, Complaints, Suits, Petitions, Applications, before any Court of Law or Authorities and if even any proceedings have been filed and pending without the notice of the other they shall be deemed to be withdrawn by this Joint Memorandum of Compromise.

5. By signing this Joint Memorandum of compromise the Parties hereto agree that all



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disputes and differences between them arising out of their Matrimonial Relationship have been settled amicably by them through the process of Mediation."

The terms of compromise shall form part of the decree.

3. On the consent of the respondent, the suit filed in O.S.No.26 of 2021 on the file of of the V Additional Principal Family Judge at Chennai, seeking a Declaration that the Talaq notices are validly issued and that the Marriage solemnized between appellant and the respondent stand dissolved as per Sharia with effect from 15.06.2020 and binding on the parties, stands allowed.

4. In the result, the Civil Miscellaneous Appeal is disposed of in terms of the joint memorandum of compromise. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B,J.) (D.B.C, J.)
28.06.2023

Index : Yes / No
Internet : Yes
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Note:

Issue order copy on 30.06.2023



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To
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V Additional Principal family Judge
at Chennai.



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