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CMA.No.1693 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

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

C.M.A.No.1693 of 2021

Yoganathan

... Appellant

Vs.

1.Mrs.Devapoorna

2.Minor Gayathri Sri Varshitha

Rep. By her mother 1st respondent

...Respondents

Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act,1984, against the judgment and decree dated 19.01.2021 passed in I.A.No.257 of 2018 in H.M.O.P.No.1358 of 2017 by the Additional Principal Family Court, Coimbatore.

For Appellant : Mr.Mr.V.S.Rajaram

For Respondent : Mr.G.Karthikeiyan

JUDGMENT

This CMA is filed by the appellant-husband as against the Order passed in I.A.No.257 of 2018 in H.M.O.P.No.1358 of 2017.



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2. On 15.06.2023, we directed both the parties to appear before the Tamil Nadu Mediation and Conciliation Centre with respective counsel in person on 30.08.2023 for mediation process.

3. Before the Mediation Centre, after mediation/conciliation, both parties arrived at a settlement in the presence of Mediator/Conciliator and settled the disputes and differences through the process of conciliation/mediation. On 17.07.2023, settlement was arrived and settlement agreement was entered into between the parties. The terms of the settlement agreement is extracted hereunder:-

“SETTLEMENT AGREEMENT

“WHREAS

1. Disputes and differences has arisen between the Parties hereto and the said Mr. Yoganathan (the Petitioner herein) filed divorce petition before the learned Additional Principal Family Judge, Coimbatore, pending in H.M.O.P.No.1358 of 2017 against the said Mrs.Devapoorna (the 1st respondent herein) and Mrs.Devapoorna (the 1st respondent herein) filed the maintenance petition in I.A. No.257 of 2018 on herself and behalf of her minor daughter namely Minor Gayathri Sri Varshitha (the 1st and 2nd respondents herein). The learned Additional Principal Family Judge, Coimbatore was pleased to allow the petition by awarding maintenance of Rs.7,500/- to each Respondent dated on 19.01.2021. The said Mr. Yoganathan (the petitioner herein) filed C.M.A. No. 1693 of 2021 before the Hon'ble High Court of



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2. The matter was referred to mediation vide an Order dated 15.06.2023 passed by the Hon'ble High Court of Madras.

3. The parties agreed that they Mrs. Jothivani would act as their Mediator/Conciliator.

4. Several meetings were held during the Mediation/Conciliation from 22.06.2023 to 14.07.2023 and the parties have with the assistance of the Mediator/Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputed and differences.

5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this settlement agreement in the presence of the Mediator/Conciliator.

6. The following settlement has been arrived at between the parties hereto:

a. Both the Parties agreed for maintenance of Rs.5,000/- each total of Rs. 10,000/- per month to the 1st and 2nd respondents herein.

b. That Mr. Yoganathan (the petitioner herein) agreed to pay the educational fees for his daughter namely Gayathri Sri Varshitha (the 2nd respondent herein), who was studying B.E., Computer Science Dr.NGP Institute of Technology, Kalapatti, Coimbatore.

c. Both the parties agreed that Mr. Yoganathan (the petitioner herein) have the right to custody of his daughter namely Gayathri Sri Varshitha (the 2 respondent herein), every week end (Saturday and Sunday), during festivals, her birthday etc.

7. By signing this Agreement the parties hereto state that they are no further claims of demands against each other with respect to C.M.A. No. 1693 of 2021 pending before the Hon'ble High Court of Madras and all disputes and differences in this regard have been amicably settled by the Parties hereto through the



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process of Conciliation / Mediation. And the divorce proceedings pending before the learned Additional Principal Family Judge, Coimbatore in H.M.O.P. No.1358 of 2017 will be preceded between the parties. ”

4. In terms of the above settlement agreement arrived at between the parties, this Civil Miscellaneous Appeal is closed. The settlement agreement shall stand form part and parcel of the decree. Since the matter is settled between the parties, the Registry shall refund the Court Fee as per Rules in force. No costs.

(J.N.B,J.) (D.B.C, J.)
01.09.2023

Index : Yes / No

nvsri

To

The learned Additional Principal Family Court, Coimbatore.



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J. NISHA BANU, J.
and
D.BHARATHA CHAKRAVARTHY, J.

nvsri

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