



O.P.No.160 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.06.2023**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.160 of 2023
and A.No.1785 of 2023

S.R.Ruth Thephila

... Petitioner

VS.

G.Vinodh

...

Respondent

PRAYER: Original Petition filed Under Sections 3, 7 to 10 of the Guardians and Wards Act, 1890 and Under Order XXI Rule 2 and 3 of Original Side Rules R/W Section 151 of CPC, seeking to the petitioner may be declared as the Sole Legal Guardian of the person of the minor child named V.Zane Caleb born on 08.12.2022, now aged 2 months 12 days.

For Petitioner : Ms.B.S.Ajeetha

For Respondent : Mrs.V.Kalaivani



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ORDER

Today when the matter was taken up for hearing, the Joint Compromise Memo had been filed and which has been served to the respective parties and also to the learned counsels and the same is taken on record. The Terms of Joint Memorandum of Compromise as follows:

"1. It is submitted that the petitioner and the respondent have been married since 04.08.2021 at TELC Adaikalanathar Church, Tana Street, Purasawalkam, Chennai 600 006 as pr Christian rights and customs and the marriage was registered on the same day in the church register. A male child was born and named as V.Zane Caleb born on 8th December 2022 now aged 6 months.

2. The Petitioner and respondent had several differences of opinion from the very beginning of marriage and both have attempted to sort out the issues but could not. However in the meanwhile the petitioner conceived and given birth to the child on 8th December 2022. Soon after the conception the petitioner had come back to her parents house



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and all efforts to sort out the disputes were in vain. Hence the petitioner filed a petition seeking dissolution of the marriage in O.P.5343 of 2022 on the ground of cruelty which is Pending before the 1st Additional Family Court, Chennai during November 2022. After the birth of the child, there was no change and the differences become wider and deeper. Hence the petitioner has filed the above guardianship OP seeking for custody and guardianship of the child before this Hon'ble Court. At this juncture both the petitioner and respondent have come to an amicable settlement in the matter of custody and Guardianship of the minor child V.Zane Caleb and regarding their matrimonial dispute also.

3. With the assistance of either side counsels, the terms of compromise have been finalised and agreed upon by both the parties to give quietus to all pending cases which arose out of matrimonial dispute and regarding the child custody.

4. On the above premise the petitioner and the respondent have agreed and signed the Joint Compromise Memo on the following terms:-

1. The petitioner and the respondent have agreed to proceed with the divorce case in an



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amicable manner by filing Divorce petition on the ground of mutual consent.

2. The respondent agrees that the petitioner/mother would render best care for the child and that he has no objection for allowing the above GWOP 160/2023 pending before this Hon'ble Court and granting the petitioner the Guardianship and sole custody of the child V.Zane Caleb born on 08.12.2022. The petitioner undertakes to provide all the needs of the child including education. The respondent/father relinquishes his right of visitation of the minor child as would not be able to visit him due to personal reasons.

3. The respondent agrees and undertakes to sign No objection letter for obtaining New Zealand Visa for the child on 22.06.2023, on the date of signing the joint compromise memo before the Hon'ble High Court of Madras.

4. The petitioner agrees and undertakes to pay a sum of Rs.1,80,000/- in two instalments towards the litigation expenses of the respondent. The petitioner will pay Rs.90,000/- by way of



demand draft drawn on HDFC Bank in DD.No.051031 dated 21.06.2023 at the time of signing this Memorandum of Compromise and NOC letter for the child to travel abroad with the petitioner.

5. The petitioner relinquishes her right of maintenance for the past, present and future and alimony. Further the petitioner undertakes not to file any other petition or complaint or suit in future including claiming any maintenance or property on behalf of the minor child against the respondent.

6. The petitioner undertakes to pay the balance Rs.90,000 (Rupees Ninety thousands only) on the date of completion of the divorce petition by way of a Demand draft to the respondent.

7. The petitioner and the respondent agrees to retain the jewels gifted by other respective party. The petitioner shall retain the gold jewels of 12 grams of chain, a gold pendant and an engagement ring and the respondent shall retain 32 grams of gold jewels, an



engagement ring and a bracelet. Both the petitioner and the respondent have no other claims against each other.

8. Both the Petitioner and Respondent undertake not to interfere in each other's lives in any manner whatsoever. The petitioner and the respondent both further undertake not to make any allegations either by self or through their friends, relatives, men, agents, servants, assigns or through any other person against each other in future and not to interfere in their private life by any manner including dissemination of Information, photos or videos through social media like whatsapp, twitter, facebook etc, failing which the aggrieved petitioner or the Respondent is free to take legal action against the erring respondent or the petitioner as the case may be.

Dated at Chennai on this the 22nd day of June 2023.

sd/---

Respondent.

sd/---

Petitioner.



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Counsel for the Respondent Counsel for the Petitioner."

2. Accordingly, the O.P.No.160 of 2023 is disposed of on the terms of Joint Memorandum of Compromise. The Joint Memorandum of Compromise shall form an integral part of the order. No order as to costs. Consequently, A.No.1785 of 2023 is closed.

22.06.2023

Index : Yes / No
Internet : Yes / No
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