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C.M.S.A.No.40 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2023

Coram

The Hon'ble Mr.Justice Sunder Mohan

C.M.S.A.Nos.39 and 40 of 2023

K.Satish @ Sriram Sarma

Appellant in both Appeals

Vs.

Priya @ Lakshmi Priya

...Respondent in both Appeals

Common Prayer :-

Civil Miscellaneous Second Appeals against the judgment and decree passed in C.M.A.Nos.3 and 4 of 2019, by the learned Principal District Judge, Kancheepuram District, Chengalpattu, dated 19.01.2022, in confirming the order and decreetal order passed in H.M.O.P.No.141 and 139 of 2014, by the learned Subordinate Judge, Tambaram, dated 05.02.2019 and to set aside the same.

For Appellant in both Appeals	: Mr.K.Balaji
For Respondent in both Appeals	: Mr.S.Anburaja

COMMON JUDGMENT

Both the Civil Miscellaneous Second Appeals arise out of the common order passed in a Divorce Petition filed by the appellant/husband and the Petition for restitution of conjugal rights filed by the respondent/wife.



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2. The Trial Court dismissed the Petition for divorce and allowed the Petition for restitution of conjugal rights.

3. The Lower Appellate Court confirmed the judgment passed by the Trial Court, as against which, the present Appeals are preferred, as stated supra.

4. Pending Appeals, both the parties have arrived at a compromise and they have also recorded such compromise by means of a Joint Memo of Compromise. The terms of said Joint Memo of Compromise are as follows:-

“ 7. The Appellant/Husband agrees to pay a sum of Rs.12,00,000/- towards to permanent alimony to the Respondent/Wife and the child, the Appellant already been paid a sum of Rs.5,00,000/- to the Respondent on 12.07.2023, the remaining amount of Rs.7,00,000/- has been paid today before this Hon'ble Court and the respondent acknowledged the receipt of the same.

8. The Appellant and the Respondent hereby declare not to claim maintenance from each other and they waive their rights of Maintenance. The Respondent agrees and undertake that she will



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not claim any maintenance as per the order passed in Domestic Violence Case. The respondent undertakes that she will not insist for restitution of conjugal rights and forgo all her rights as wife of the appellant.

9. The Appellant and the Respondent hereby declare not to file any Civil or Criminal case by claiming maintenance or share in the properties in future against each other, further the respondent assures and undertakes that she will not claim any maintenance for herself and also on behalf of the child against the appellant. Since the matter has been compromised both the parties are withdrawn the allegations foisted against each other.

10. The Appellant and the Respondent state that the child Kaaviya shall be in the custody of the Respondent/Wife, both the parties hereby agreed for the same.”

5. In view of the aforesaid Joint Memo of Compromise, dated 07.08.2023 filed by the parties, which is duly signed by them as well as their respective counsel, both the Civil Miscellaneous Second Appeals are disposed of in terms of the said Joint Memo of Compromise. As consequence thereof, the marriage between the appellant and the respondent is dissolved on mutual consent and the payment made by the



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appellant of Rs.12,00,000/- towards permanent alimony of the respondent, is also acknowledged by her. The said Joint Memo of Compromise is taken on record and the same shall form part of the decree. No costs.

07.08.2023

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Index : Yes/No

Speaking or Non speaking order.

To

1. The Principal District Judge,
Kancheepuram District, Chengalpattu.
2. The Subordinate Judge, Tambaram.,



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Sunder Mohan,J.,

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