



WEB COPY



CMA.No.1084 of 2023

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.1084 of 2023

Samyuktha

... Appellant

Vs.

E.Suresh Kumar

...Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, 1984, against the judgment and decree dated 25.01.2023 passed by the Judge, Family Court, Thiruvallur, in H.M.O.P.No.154 of 2020.

For Appellant : Mr.N.Ravishankar

For Respondent : Mr.M.Sarfudeen Ali Ahamed

JUDGMENT

This CMA is filed by the appellant-wife as against the judgment and decree dated 25.01.2023 passed by the Judge, Family Court, Thiruvallur, in H.M.O.P.No.154 of 2020 whereby, the appellant's prayer for restitution of conjugal rights was dismissed by the learned Judge, Family Court, Thiruvallur.

2. On 19.06.2023, we directed both the parties to appear before the



CMA.No.1084 of 2023

Tamil Nadu Mediation and Conciliation Centre with respective counsel in person on 29.08.2023 for mediation process. Today, when the matter is called, learned counsel for the petitioner is present. There is no representation for the respondent.

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 11.07.2023, 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 had arisen between the Parties hereto and an application under section 9 of the Hindu Marriage Act for Restitution of Conjugal Rights in H.M.O.P 154/2020 was filed by the Appellant herein before the Family Court at Tiruvallur. The same was dismissed by the Family court at Tiruvallur on 25.1.2023 and aggrieved by the order of the Family Court, Tiruvallur, the Appellant herein had preferred an appeal in C.M.A.1084/2023 before the Madras High Court. The said C.M.A. preferred by the Appellant was admitted and notice was ordered to the Respondent.The Respondent herein entered appearance in the said C.M.A.



WEB COPY



CMA.No.1084 of 2023

before the Madras High Court and opted for mediation and the same was accepted by the Appellant.

2.The matter was referred to mediation vide an order dated 19.6.23 by the Hon'ble Madras High Court.

3.The parties agreed that Mr.Venkatraman would act as their Mediator.

4.Meetings were held during the process of Mediation from 27.06.23 to 21-08-23 and the parties have with the assistance of the Mediator voluntarily arrived at an amicable solution resolving the above-mentioned disputes 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.

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

A. TheAppellant and Respondent have agreed to settle the matrimonial issues amicably among themselves without any further litigation.

B. The Respondent has agreed to withdraw the G.W.O.P filed against the Appellant herein in G.W.O.P.348/2022 for the custody of their son Master.S.S.Mukesh Kumar, pending on the file of the Principle District Court at Tiruvallur.

C. The Appellant has agreed to withdraw the C.M.A.1084/2023 filed against the Respondent herein, pending on the file of the Hon'ble Madras High Court.

D. Both the Appellant and the respondent agreed to restore their conjugal fight and as per the request of the Respondent, the Appellant has agreed to live with the



CMA.No.1084 of 2023

Respondent in the first floor of his residence with separate kitchen at No. 13, Revathi Nagar, Veppampattu. Tiruvallur District-602 024. If both the Appellant and the Respondent are not doing well with the said arrangement in future, both are agreed to rent a separate home. for their living with their child Master S.S.Mukesh Kumar.

E. The Respondent has agreed to allow the Petitioner to continue with her employment and promises not to compel the Petitioner to resign her job under any circumstances in future.

F. The Respondent has agreed to allow the Appellant to visit her parent's home whenever she likes to visit her parents' house and also allow the child to spend some time with the parents of the Appellant.

G.The Appellant has agreed to allow the respondent's parents spend some time with their grandson.

H. Both the Appellant and the respondent agreed to lead the happy matrimonial life for the welfare and safety of their child.

1. The Respondent has no objection to bring Appellant's Sreethana Articles along with her.

J. Both the Appellant and the respondent have agreed to withdraw their allegations made against each other.

Based on the settlement agreement, the court fees paid by the Appellant herein in C.M.A.1084/2023, may be returned to tne Appellant herein.

7.By signing this Agreement the Parties hereto state that they have no further claims or demands against each other with respect to C.M.A.1084/2023 and all disputes and



WEB COPY



CMA.No.1084 of 2023

differences in this regard have been amicably settled by the Parties hereto through the process of Mediation. ”

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.

Index : Yes / No

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

01.09.2023

nvsri

To

The learned Judge, Family Court, Thiruvallur,



WEB COPY



CMA.No.1084 of 2023

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

nvsri

C.M.A.No.1084 of 2023

01.09.2023