



C.M.A.No.2029 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

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

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Hari Prasad

... Appellant

Vs.

Vidhya

...Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984 against the judgment and decree passed by the learned Family Court, Thiruvannamalai, Thiruvannamalai District in H.M.O.P.No.406/2020 by order dated 30.06.2022.

For Appellant : Mr.E.Kannadasan

For Respondent : Mr.N.A.Malaisaravanan

JUDGMENT

Both the parties are present. A joint memorandum of compromise duly signed by both the parties and the counsel is filed. The Civil Miscellaneous Appeal is disposed of in terms of joint memo of



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compromise entered into between the parties.

2. The Joint memorandum of compromise filed by the parties dated 22.06.2023 is extracted hereunder:

1. The marriage between the appellant and the respondent was solemnized on 02.02.2017 as per the Hindu Religious Rights and Caste Customs at Andal Singaravel Thirumana Mandapam, Thiruvannamalai. The appellant is working in the IT field and the respondent is house wife. The appellant and the respondent started marital life in a rented house at Chennai separate house and due to lawful wedlock a male child Master Adithya was born on 24.11.2017. Dispute between the appellant and the respondent leading to file cases against each other.

2. The appellant filed divorce petition before the Learned Family Court, Vellore, Vellore District in F.C.O.P.No.199/2019 under Sections 13(1) (i-a) of the Hindu Marriage Act, 1955 for relief sought for divorce and the same has been transferred to Learned Family Court, Thiruvannamalai, Thiruvannamalai District and the same was taken on file and new number assigned as F.C.O.P.No.406/2020. The respondent filed her counter and deposed her evidence before the court and contested the same.



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3. *The respondent filed D.V.C.No.5/2019 before the Learned Additional Mahila Court, Thiruvannamalai, Thiruvannamalai District and the same has been transferred to the Learned Family Court, Thiruvannamalai, Thiruvannamalai District as per the direction of this Hon'ble Court in Tr.C.M.P.No.687/2019 and the same was taken on file by the Learned Family Court, Thiruvannamalai, Thiruvannamalai District in D.V.C.No.1/2020. The appellant filed his counter and denied the allegations mentioned by the respondent and sought for dismissal of the petition.*

4. *Upon conclusion of Trial in both the cases, the Learned Family Court, Thiruvannamalai, Thiruvannamalai District passed separate judgments and decree dated 30.06.2022.*

A) Dismissing the F.C.O.P.No.406/2020 filed by the appellant sought for divorce.

B. Partly allowing the D.V.C.No.1/2020 filed by the respondent and directing the appellant to pay a sum of Rs.10,000-00 to the respondent and another sum of Rs.10,000-00 to the minor son every month.

5. *Aggrieved over the Judgment and Decree passed by the Learned Family Court, Thiruvannamalai, Thiruvannamalai District dated 30.06.2022 passed in F.C.O.P.No.406/2020, the appellant filed*



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C.M.A.No.2029/2022 before this Honourable Court. Similarly another C.M.A.S.R.No.100615/2022 filed against the order passed in D.V.C.No.1/2020 are pending before this Hon'ble Court and the respondent also entered her appearance through her counsel in C.M.A.No.2029/2022.

6. During the pendency of the above said cases, at the instance of friends and well-wishers, the appellant and the respondent herein have decided to put an end to the litigation between them so as to avoid further mental agony, they have amicably settled the issues amongst them to the manner set out hereunder, they decided to untie their matrimonial knot and to lead the rest of their lives as per their wishes.

7. Accordingly, the Appellant and the respondent, out of their free will, volition and wish have entered into a compromise on the following terms:

a. The appellant and the respondent agreed to dissolve their marriage solemnized on 02.02.2017 as per the Hindu Religious Rights and Caste Customs at Andal Singaravel Thirumana Mandapam, Thiruvannamalai, without reference to any of the allegations made against each other.

b. The respondent has no objection to visit the minor child as and when required by the appellant with



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prior intimation to the respondent.

c. The appellant agreed and paid a sum of Rs.20,00,000-00 (Rupees Twenty Lakhs) towards permanent alimony to the respondent Rs.10,00,000-00 (Rupees Ten Lakhs only) in favour of the respondent and anotehr Rs.10,00,000-00 (Rupees Ten Lakhs only) in favour of the Minor.Adithya by way of Demand Drafts as mentioned below.

- 1. D.D.No.049304 dated 14.06.2023 Rs.5,00,000-00
Name S.Vidya*
- 2. D.D.No.049303 dated 14.06.2023 Rs.5,00,000-00
Name H.Adithya Drawn on Indian Overseas Bank,
Vellore Fort Branch*
- 3. D.D.No.455863 dated 14.06.2023 Rs.5,00,000-00
Name S.Vidya*
- 4. D.D.No.455864 dated 14.06.2023 Rs.5,00,000-00
Name H.Adithya drawn on Indian Bank, Velapadi
Branch, Vellore.*

d. The respondent will not claim any right, share or interest in the appellant's properties, assets and etc.,

e. The appellant and the respondent have taken back all their belongings from each other. The appellant and the respondent forego all their claims against each



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other in respect of and pursuant to their marriage that took place on 02.02.2017 and they further declare that they have no claims whatsoever against each other, including maintenance, alimony, etc., for the past, present and future in any manner.

f. Both the appellant and the respondent agreed not to indulge in any activities that may disturb or cause hindrance to each other and they will not follow each other in future in any manner and that they are free to lead their lives on their own will and wish.

8. The respondent filed Restitution of conjugal Rights petition before the Learned Family Court, Thiruvannamalai, Thiruvannamalai District in F.C.O.P.No.222/2022 and also filed a petition for collection of arrears of maintenance in C.M.P.No.21/2023 in D.V.C.No.1/2020 and the respondent agreed to withdraw the above said two cases in respective of dates. Further the respondent will not claim any amount on the basis of the order passed in DVC.No.1/2020.

9. The appellant and the respondent are filing this Joint Memorandum of Compromise before this Honourable Court in the above C.M.A.No.2029/2022 and C.M.A.S.R.No.100615/2022 and pray that the same may be taken on record and that the said



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may be disposed in terms of this Joint Memorandum of Compromise.

3. In the result, the Civil Miscellaneous Appeal is disposed of by dissolving the marriage between the appellant and the respondent held on 02.02.2017 at Andal Singaravel Thirumana Mandapam, Thiruvannamalai. The terms of the compromise memo shall form part of the decree.

4. It is also represented that as per the terms of the compromise, the custody of the minor child will be with the mother. The parties undertake that they will abide by the memorandum of compromise.

There shall be no order as to costs.

(J.N.B,J.) (D.B.C, J.)
22.06.2023

Index : Yes / No
Internet : Yes
vsi

To
The I Additional Principal Judge,
Family Court, Chennai



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and
D.BHARATHA CHAKRAVARTHY, J.

vsi

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