



WEB COPY



C.M.A.No.2232 of 2022
and
C.M.P.No.17244 of 2022

R.SUBRAMANIAN, J.
and
N.SENTHILKUMAR, J.

This matter is listed before this Court under the caption 'for being mentioned'.

2.On 07.07.2023, we had recorded the compromise entered into between the parties. As per Clause 2 of the memorandum of compromise, the husband / appellant had agreed to pay a sum of Rs.32,00,000/- to the respondent / wife on or before 18.07.2023. Under Clause 3 of the said memorandum of compromise, the parties have agreed to file a petition for divorce under Section 13-B (Mutual consent) by 18.07.2023. The husband had further agreed to settle the property bearing No.27, Poolampatti, Edapadi in favour of the minor son, P.M.Nandhabalan. Apparently, these three requirements could not be satisfied within the time limit prescribed in the compromise.

3.Mr.S.Silambanan, learned Senior Counsel appearing for the appellant would submit that his client is ready to pay the sum of Rs.32,00,000/- with interest for the delayed period, which comes to Rs.53,000/-. Mr.R.Krishna Prasad, learned counsel for the respondent / wife has got instructions that the payment can be received, if it is made along with interest. The husband has issued two cheques for the total sum of Rs.32,53,000/- drawn on Indian Bank, Peelamedu Branch,



WEB COPY



R.SUBRAMANIAN, J.
and
N.SENTHILKUMAR, J.

KKN

Coimbatore and the same have been handed over to the learned counsel for the wife.

4.It is seen that the application under 13-B has already been filed before the I-Additional District and Sessions Judge, Salem. The learned Sessions Judge has refused to entertain the application on the ground that it has not been filed within the time limit set out in the compromise memo. We direct the learned I-Additional Sessions Judge, Salem to number the application and proceed with it in accordance with law.

5.As regards the registration of the settlement deed, Mr.S.Silambanan, learned counsel for the appellant assures that the same would be done by Monday. His statement is recorded.

(R.S.M., J.) (N.S., J.)
15.12.2023

kkn

Note:- Issue order copy on 18.12.2023.

C.M.A.No.2232 of 2022
and
C.M.P.No.17244 of 2022