



C.M.A.(MD)Nos.15 & 320 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.09.2023**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

C.M.A.(MD)Nos.15 & 320 of 2021
and
C.M.P.(MD)Nos.258 & 2714 of 2021

J.G.Praveen Raj

...Appellant in both appeals

/Vs./

J.Simi Paxleal

...Respondent in both appeals

PRAYER in C.M.A.(MD)No.15 of 2021:- Appeal - filed under Section 19 of the Family Courts Act, by setting aside the fair order and decretal order passed in I.A.No.02 of 2020 in I.D.O.P.No.67 of 2020 on the file of the Family Court, Tirunelveli, dated 21.10.2020.

PRAYER in C.M.A.(MD)No.320 of 2021:- Appeal - filed under Section 19 of the Family Courts Act, by setting aside the direction directing the appellant / petitioner to pay permanent alimony of Rs.10,00,000/- and



C.M.A.(MD)Nos.15 & 320 of 2021

further the condition that the decree will take effect only on payment of the said permanent alimony to the respondent in the fair order and decreetal order passed in I.A.No.67 of 2020 on the file of the Family Court, Tirunelveli, dated 29.01.2021.

For Appellant : Mr.S.Meenakshi Sundaram
Senior Counsel
for Mr.M.Sengu Vijay (in both appeals)
For Respondent : Mr.KA Ramakrishnan (in both appeals)

COMMON JUDGMENT

(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

Mr.M.Sengu Vijay and Mr.KA Ramakrishnan, learned counsel appearing on behalf of the parties are present and the parties are also present in Court. Memo of compromise executed on 13.09.2023 qua the parties is presented forming part and parcel of this order. The memo reads thus:

“Memo of Compromise Filed by the Parties

J.G. Praveenraj, Aged 35 yrs the Appellant in both C.M.A.s and the Petitioner in I.D.O.P No 67/2020 and Respondent in I.A. N. 2 /2020 in I.D.O.P 67/2020 and herein after will be referred as the Party of First part.



WEB COPY



C.M.A.(MD)Nos.15 & 320 of 2021

J. Simi Paxleal aged 30 yrs, the Respondent in both C.M.A.s and the Respondent in I.D.O.P No 67/2020 and Petitioner in I.A. N. 2/2020 in I.D.O.P 67/2020 and herein after will be referred as the Party of Second part.

1. It is most respectfully submitted that the marriage between the Party of I part and II part was solemnized on 11.07.2018 as per Christian rites. Due to differences arose the parties lived in separation from 06.09.2018. Therefore the Party of first part filed the main I.D.O.P. petition for divorce before the Family Court, Tirunelveli.

2. It is further submitted during the pendency of main I.D.O.P. 67/2020 the petition for interim alimony in I.A. No. 02/2020 filed by Party of second part and an interim alimony of Rs. 7,500/- and litigation expenses of Rs. 5000/- was ordered on 21.11.2020. This Hon'ble High Court modified the interim alimony to Rs. 5000/-. The litigation expenses and interim alimony paid upto disposal of I.D.O.P.

3. The Family Court, Tirunelveli after full fledged trial by its judgment and decree dated on 29.01.2021 granted Decree of Divorce u/s 10 (1) (x) of Indian Divorce Act and on further condition that the decree of divorce will take effect only on payment of Rs. 10,00,000/- by the Petitioner to the Respondent.

4. The Party of First part preferred both C.M.A.s against both of said decreetal order in I.A. No. 2/2020 and judgment and decree in main I.D.O.P No. 67/2020.

5. The Party of First and Second part most respectfully submit that the Elders and close Relatives of both parties have held conciliation talks between the parties and compromised the disputes in both C.M.A.S concerned. The details of facts of



C.M.A.(MD)Nos.15 & 320 of 2021

compromise have been stated in the affidavits filed by each of the parties separately.

6. The Party of the Second part has received back all of her belongings and the Party of First part permitted to retain all the gold jewels and articles belonged him worth permanent alimony granted and the money given for the marriage expenses. The Party of the Second party has no more dues either as interim alimony or as permanent alimony from the Party First part. Both the parties have settled the dispute by compromise as under.

7. The Party of the First part prays that C.M.A (M.D.) No. 15/2021 may kindly be dismissed as not pressed.

18. Both parties prays that the Decree of Divorce granted u/s 10 (1) (x) of L.D.O.P No. 67/2020 may be confirmed and the permanent alimony granted has been settled out of court on compromise between the Parties and no more dues is payable by Party of the First part.”

2. In light of memo of compromise dated 13.09.2023, decree of divorce granted on 29.01.2021 in IDOP No.67 of 2020 is confirmed.

As regards permanent alimony that was granted, the parties agree that they have entered into a settlement, as per which the wife has received back her belongings. The appellant retains the jewels and articles with him. The respondent concurs that no dues are payable either as interim or permanent alimony. The parties have amicably settled their disputes.



C.M.A.(MD)Nos.15 & 320 of 2021

WEB COPY

3. In view of the above settlement CMA(MD).No.15 of 2021 stands allowed. Respondent agrees that Clause-3 of order dated 29.01.2021 in IDOP.No.67 of 2020 must be modified and that she does not insist upon the condition imposed upon the appellant to pay a sum of Rs.10,00,000/- as permanent alimony. Hence, and based on her submission, the condition as aforesaid is hereby set aside. CMA(MD).No.320 of 2021 is partly allowed and decree for divorce stands confirmed to the extent as above. No costs. Consequently, connected miscellaneous petitions are closed.

[A.S.M.J.] & [R.V.J.]
19.09.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes
sm



WEB COPY



C.M.A.(MD)Nos.15 & 320 of 2021

DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

sm

TO:

- 1.The Family Court, Tirunelveli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Common Judgment made in
C.M.A.(MD)Nos.15 & 320 of 2021

Dated:
19.09.2023