



C.M.A(MD)Nos.1141 and 1142 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
AND
THE HONOURABLE MR.JUSTICE P.B.BALAJI**

C.M.A(MD)Nos.1141 and 1142 of 2023

In C.M.A(MD)No.1141 of 2023:

Saravanan

...Appellant/Petitioner

.VS.

Manjula

...Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19(1) of Family Courts Act, 1984, against the fair and decreetal order made in H.M.O.P.NO.166 of 2019 dated 08.11.2021 on the file of the Family Court, Sivagangai.

For Appellant
For Respondent

:Mr.R.Rajaraman
:Mr.M.Ramu

In C.M.A(MD)No.1142 of 2023:

Saravanan

...Appellant/Petitioner

.VS.

Manjula

...Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19(1) of Family Courts Act, 1984, against the fair and decreetal order made in H.M.O.P.NO.288 of 2019 dated 27.11.2021 on the file of the Family Court, Sivagangai.



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In both Appeals:

For Appellant :Mr.R.Rajaraman
For Respondent :Mr.M.Ramu

COMMON JUDGMENT

[Judgment of the Court was made by **RMT.TEEKAA RAMAN.,J.**]

Both Civil Miscellaneous Appeals are filed by the appellant/husband as against the fair and decreetal orders made in H.M.O.P.No.166 of 2019 dated 08.11.2021 and H.M.O.P.No.288 of 2019 dated 27.11.2021 on the file of the Family Court, Sivagangai.

2. Initially, the appellant/husband filed H.M.O.P.No.166 of 2019 for divorce and the respondent/wife filed H.M.O.P.No.288 of 2019 for restitution of conjugal rights. The petition filed by the appellant/husband for divorce was dismissed by order dated 08.11.2021 and the petition filed by the respondent/wife was allowed by order dated 27.11.2021.

3. As there was an element of settlement, this Court referred the matter to the Tamil Nadu Mediation Centre at Madurai Bench of Madras High Court, Madurai.



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4. Through the efforts of the mediator, the parties have arrived at a settlement. The mediation centre has sent a report dated 20.12.2023 along with a settlement agreement dated 19.12.2023, which was duly signed by the parties and their respective counsels. The settlement arrived at between the parties are extracted herein under:

a. The respondent/wife Manjula agreed to give divorce to the petitioner on payment of life time settlement of Rs. 18,50,000/- on or before 18.12.2023 for herself and her daughter Kavipala (10/23).

b. The Respondent Manjula received Rs.1,50,000/- (Rupees one Lakh Fifty Thousand only) by way of cash on 15.12.2023 and the balance Rs. 17,00,000/- (Rupees Seventeen Lakhs only) received by way of Demand Draft vide No. 062127 dated 18.12.2023 A. Velankudi Branch, Union Bank of India with that undertaking that she made the fixed deposit of Rs. 17,00,000/- (Rupees Seventeen Lakhs only) in the name of her daughter Kavipala within a week and served the proof of deposit to the appellant Saravanan. After attaining majority, Kavipala entitle to receive the amount. The occurring interest can withdraw by the respondent/wife till the majority of minor Kavipala.

c. The Appellant/ husband undertake that he will not interfere in



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her life in any manner or in any where or in anytime.

d. The respondent/wife undertakes that she will not interfere in his life in any manner or in any where or in anytime.

e. The Appellant agreed to return back the respondent's household articles including shreedhana from the matrimonial home

f. The respondent/wife undertakes that she will not claim any maintenance in future for herself or for her daughter in view of this life time settlement.

g. Since the life time settlement made by the appellant/husband towards the respondent Manjula and minor Kavipala, the said Manjula and minor Kavipala are not entitled any property rights over the properties of appellant and his parents hereafter.

h. As per the terms of the agreement the D.D.No. 062127 dated 18.12.2023 for the value of Rs. 17,00,000/- (Rupees Seventeen Lakhs) received by the respondent K. Manjula on 19.12.2023.

3. As per the terms of the agreement a Demand Draft for Rs.17,00,000/- (Rupees seventeen lakhs only) was handed over to the respondent and the same was received by her on 19.12.2023 as could be seen from the copy of the Demand Draft furnished before this Court.



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4. In view of the compromise entered into between the parties, by exercising our powers, we are inclined to allow these Civil Miscellaneous Appeals. Consequence thereof, H.M.O.P.No.166 of 2019 filed by the appellant/husband for dissolution of marriage is allowed and H.M.O.P.No.288 of 2019 filed for restitution of conjugal rights by the respondent/wife is dismissed.

5. The settlement agreement dated 19.12.2023 shall form part of this judgment.

6. In fine, the Civil Miscellaneous Appeals are allowed. No costs.

[T.K.R.,J.] [P.B.B.,J.]
29.11.2023

Index: Yes/No
Internet: Yes/No
NCC: Yes/No
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To
The Family Court, Sivagangai.



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AND
P.B.BALAJI,J.

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