



C.R.P.Nos.1034 and 1036 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.Nos.1034 and 1036 of 2024

N.Senthil Arasu Pandian

... Petitioner

Vs.

Ilakkia Singaram

... Respondent

PRAYER in C.R.P.No.1034 of 2024: Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the Lower Court to speedily dispose of H.M.O.P.No.2688 of 2018 on the file of the IV Additional Family Court, Chennai.

PRAYER in C.R.P.No.1036 of 2024: Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the Lower Court to speedily dispose of H.M.O.P.No.2671 of 2021 on the file of the IV Additional Family Court, Chennai.

For Petitioner
in both CRPs : Mr.C.Gunasekaran

For Respondent
in both CRPs : Mr.A.Arulmozhi



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COMMON ORDER

The petitioner in both the civil revision petitions is the husband, who filed H.M.O.P.No.2688 of 2018 before the IV Additional Family Court, Chennai, for divorce. The respondent herein is the wife, who filed H.M.O.P.No.2671 of 2021 before the IV Additional Family Court, Chennai, for restitution of conjugal rights. Both these civil revision petitions filed seeking direction for speedy and early disposal of above said H.M.O.Ps. by the IV Additional Family Court, Chennai.

2.Today, the petitioner and the respondent appeared before this Court and submitted that they entered into a memorandum of understanding to resolve the issue between them amicably by the petitioner/husband compensating the respondent/wife to her satisfaction and both of them agreed to withdraw the cases filed by them against each other. Both the petitioner and the respondent intend to file a divorce petition under Section 13-B of Hindu Marriage Act, 1955. A scanned reproduction of the Memorandum of Understanding is as follows:



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**IN THE HIGH COURT OF JUDICATURE AT MADRAS
(CIVIL APPELLATE JURISDICTION)**

CRP.No.1034/2024

AND

C.R.P.No.1036/2024

N. SENTHILARASU PANDIAN

--- Petitioner

VS

ILAKKIA SINGARAM

--- Respondent

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is executed at Chennai, on this the 11th day of March 2024

BETWEEN

Ilakkia Singaram, Daughter of Dr. I. Singaram, Hindu, aged 37 years residing at No. 76/34 ALA Flats C3, Vinayagam Street, Venkatesh Nagar, Virugambakkam, Chennai - 600 092, the Respondent in this CRP 1034/2024, hereinafter referred as "THE PARTY OF FIRST PART".

AND

N. Senthilarasu Pandian, Son of S. Natarajan, Hindu, aged 39 years residing at No. 522 Kampong Bahru Road, Harbour Suites, #06-03 S099454, Singapore, the Petitioner in this CRP 1034/2024, the Petitioner in this CRP 1034/2024, hereinafter referred as "THE PARTY OF SECOND PART".

WHEREAS the marriage between the parties was solemnized as per Hindu Rites and Custom at Lakshmi Sundaram Hall, Tallakulam, Madurai on 09.04.2014 and the marriage was registered on 16.04.2014



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in the Office of the Marriage Registrar, S.R.O. Virugambakkam, Chennai - 600 092 in Serial No. 314 of 2014.

WHEREAS after the marriage, the parties started their matrimonial life at No.76/34 ALA Flats C3, Vinayagam Street, Venkatesh Nagar Virugambakkam, Chennai - 600 092.

WHEREAS within short span of their matrimonial life, misunderstandings cropped up between the parties and they could not reconcile with the issues due to irresolvable differences. There was no harmony in their matrimonial chord due to their temperamental incompatibility. The parties got separated from their matrimonial bond and started living separately since 09/06/2015. No issues were born out of this wedlock. The Respondent/ Party of first Part continues to reside in the above residence which is the own Flat purchased by the Petitioner/ Party of Second Part.

WHEREAS the Petitioner/ Party of Second Part filed a petition praying for divorce under the ground of cruelty in O.P. No. 2688 of 2018 and the Respondent/ Party of first Part subsequently filed a petition praying for restitution of conjugal rights in, O.P. No.2671 of 2021. Both the above said petitions are pending before the Hon'ble IV Additional Family Court, Chennai.

WHEREAS during the pendency of the said petitions, the elders and well-wishers tried to bring reunion between the parties, but all efforts for reconciliation had miserably failed.

WHEREAS the parties realized that their marriage is irretrievably broken and that there is no possibility for reunion and hence they decided to

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part ways amicably by filing a Petition for Divorce by Mutual Consent under the terms and conditions arrived at by consensus.

NOW THIS DEED WITNESSETH AS FOLLOWS:

i. The parties have agreed to file a Mutual Consent Divorce Petition before the Hon'ble Family Court, Chennai.

ii. The Petitioner/ Party of Second Part has agreed to transfer the ownership of the house property i.e., an apartment situated at No. 76/34 ALA Flats C3, Vinayagam Street, Venkatesah Nagar, Virugambakkam, Chennai - 600 092 by executing a Settlement Deed in favour of the Respondent/ Party of first Part and also to pay Rs.25,00,000/- (Rupees Twenty Five Lakhs only) to the Respondent/ Party of first Part towards one-time settlement of all her monetary claims including maintenance and permanent alimony. The Respondent/ Party of First Part has agreed for the settlement of the above Flat in her favour and to receive the sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) as one time settlement of all her claims and that she will not make any other claim in whatsoever manner.

iii. The Petitioner/ Party of Second Part has agreed to execute the Settlement Deed immediately after filing the Mutual Consent Divorce Petition. The Petitioner/ Party of Second Part undertakes to handover the documents of the property free from any encumbrance and to handover the original documents pertaining to property along with parent documents, and receipts for payment of property tax, water and sewage tax till date of execution of the Settlement Deed.

[Signature]

[Signature]



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iv. The Petitioner/ Party of Second Part has agreed to pay Rs.25,00,000/- (Rupees Twenty Five Lakhs only) by way of Demand Draft at the time of recording evidence in the Mutual Consent Divorce Petition. The Respondent/ Party of first Part has agreed to receive Rs.25,00,000/- (Rupees Twenty Five Lakhs only) in the above said manner.

v. The Respondent/ Party of first Part has agreed to withdraw O.P. No. 2671 of 2021 which is pending on the file of IV Additional Family Court, Chennai

vi. The Petitioner/ Party of Second Part has agreed to withdraw O.P. No. 2688 of 2018 which is pending on the file of IV Additional Family Court, Chennai

vii. The Parties undertake that neither of them nor their family members will file any other complaint or petition against each other or against their family members in any forum, for the enforcement of any right arising out of their marriage.

viii. The Parties agree that they will not in anyway misuse any copies of the personal documents, messages, individual photograph/ joint photograph and videos of each other anywhere including the social Media.

ix. The parties undertake to refrain from the life of each other and that they will not interfere with the peaceful life of each other in future.

G. Jithin

Aditya



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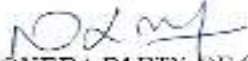
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x. The parties agree and undertake to execute their part of obligation without fail until the disposal of the Mutual Consent Divorce Petition.

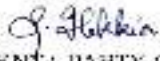
xi. The parties have agreed that if either of the parties unilaterally withdraw from the proceedings of the Mutual Consent Divorce Petition, the other party shall have the right to restore the Original Petition filed by that party and proceed legally for their remedy.

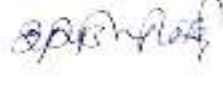
The Parties therefore pray that this Hon'ble Court may be pleased to record this Memorandum of Understanding and pass appropriate orders by treating this Memorandum of Understanding as part of the Decree and pass such further or other orders as this Hon'ble Court deem fit and proper to the facts and circumstances of the case and thus render justice.

DATED AT CHENNAI ON THIS THE 11th DAY OF March 2024.


PETITIONER/ PARTY OF SECOND PART
N. SENTHIL ARASU PANDIAN


COUNSEL FOR THE PETITIONER


RESPONDENT/ PARTY OF FIRST PART
ILAKKIA SINGARAM


COUNSEL FOR THE RESPONDENT



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3.After withdrawing the petitions in H.M.O.P.No.2688 of 2018 and H.M.O.P.No.2671 of 2021 on the file of the IV Additional Family Court, Chennai, both the petitioner and the respondent agreed to file a petition for divorce by mutual consent and the petitioner/husband to settle the property in favour of the respondent/wife as per the undertaking.

4.In view of the above, the Civil Revision Petitions stand disposed of.
The Memorandum of Understanding forms part of the order.

08.04.2024

Speaking order/Non-speaking order

Index: Yes/No

Neutral Citation: Yes/No

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Note: Issue order copy on 08.04.2024



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M.NIRMAL KUMAR, J.

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To

The Judge,
IV Additional Family Court,
Chennai.

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