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C.M.A.No.1586 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS. JUSTICE R.KALAIMATHI**

C.M.A.Nos.1586 & 1587 of 2018

E.Thinakaran,
S/o Elaiyappan

..Appellant in both the Appeals

Vs.

K.Yamuna,
D/o M.R.Krishnasamy

..Respondent in both the Appeals

Prayer in C.M.A.No.1586 of 2018:

Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, 1984 against the judgment and decree dated 25.01.2018 passed in H.M.O.P.No.407 of 2016 by the learned Judge, Family Court, Erode.

Prayer in C.M.A.No.1587 of 2018:

Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, 1984 against the judgment and decree dated 25.01.2018 passed in H.M.O.P.No.72 of 2017 by the learned Judge, Family Court, Erode.

For Appellant in both the Appeals : Mr.E.Prabu

For Respondent in both the Appeals : Mr.C.S.Saravanan



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COMMON JUDGMENT

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This Civil Miscellaneous Appeals have been filed by the appellant/husband against the judgment and decree dated 25.01.2018 passed in H.M.O.P.No.407 of 2016 and H.M.O.P.No.72 of 2017 respectively on the file of the Family Court, Erode.

2. Today, when the matter was taken up for hearing, learned counsel for the appellant and the respondent would state that pending the appeal, the appellant and the respondent settled the issue among themselves and they have filed a Joint Memo of Compromise dated 30.09.2024 duly signed by the parties and their respective counsel. Learned counsel appearing on either side would also state that the Civil Miscellaneous Appeals may be disposed of in terms of joint memorandum of compromise and that the marriage dated 21.11.2007 performed between the parties may be dissolved.

3. The Joint Memorandum of Compromise dated 30.09.2024 is extracted hereunder:

**JOINT COMPROMISE MEMO FILED BY
THE APPELLANT AND RESPONDENT**

It is respectfully submitted as follows:-



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1. *The appellant and the respondent got married on 21.11.2007 at Erode as per Hindu rites and customs and they were blessed with a Male child named Master D.Uday Karthick on 20.09.2008. Both the Appellant and Respondent are employed. Due to marital discord the Appellant and Respondent separated in 2008 and since then living separately. The Appellant filed HMOP No.407 of 2016 for Divorce on the ground of Cruelty and Desertion and the Respondent filed HMOP No72 of 2017 for Restitution of Conjugal Rights before the Hon'ble Family Court at Erode.*

2. *The Family Court at Erode by common judgement and decree, dated 25.01.2018 dismissed the petition for Divorce and allowed the petition for Restitution of Conjugal Rights. Against the dismissal of Divorce Petition in HMOP.No.407 of 2016 the Appellant/Husband filed the above Appeal. C.M.A.No.1587 of 2018 was filed against decree of Restitution of conjugal Rights granted in HMOP.No72 of 2017.*

3. *It is submitted that pending the above CMA No.1586 & 1587 of 2018 the Appellant and the Respondent amicably settled the marital dispute on the following terms:-*

(i) The Appellant/Husband has paid a sum of Rs.13,00,000/- (Rupees Thirteen Lakhs only) by way



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of Demand Drafts as full and final settlement towards permanent alimony to the Respondent/Wife and she received the same full and final settlement of alimony and declares that she had no further claim whatsoever against the Appellant/ Husband for the Past, Present or Future.

(ii) The Appellant/ Husband agreed that the Respondent / Wife shall retain the 10 Sovereigns of Gold Chain presented by him to the Respondent/ Wife. The Appellant and the Respondent have exchanged all their other articles between them.

(iii) The permanent custody of the minor Mr.T.Uday Karthick shall be with the Respondent/ Wife.

(iv) The Respondent/ Wife hereby consent for allowing the above CMA.No.1586 of 2018, thereby setting aside the judgement and decree of dismissal of the HMOP.No.407 of 2016 dated 25.01.2018 passed by the Family Court at Erode and for grant of Decree of Divorce dissolving the marriage performed between them on 21.11.2007.

Hence, it is prayed that this Hon'ble Court may be pleased to record the memo of compromise and allow the CMA.No.1586 of 2018 setting aside the judgement and decree of dismissal of the HMOP.No.407 of 2016 dated 25.01.2018 passed by the Family Court at erode and grant decree of



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Divorce dissolving the marriage performed between them on 21.11.2007 above and pass suitable orders and thus render justice.

4. The above joint memo of compromise is recorded. Thus, there shall be decree for divorce in H.M.O.P.No.407 of 2016 and the decree for restitution of conjugal rights in H.M.O.P.No.72 of 2017 stands set side as the memorandum of compromise has been duly complied with including the payment of a sum of Rs.13,00,000/- (Rupees Thirteen Lakhs only) by way of D.D.No.490201 drawn on the Erode District Central Co-op.Bank Ltd., Arachalur Branch dated 30.09.2024 and the receipt was also signed by the respondent on 01.10.2024.

5. Accordingly, the Civil Miscellaneous Appeals are disposed of in terms of the joint memo of compromise filed by the parties. The joint memo of compromise dated 30.09.2024 shall form part of the decree.

No costs.

(J.N.B,J.) (R.K.M., J.)
04.10.2024

Index : Yes / No
Internet : Yes
vsi

To



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WEB COPY
The Family Court, Erode,
Erode District.

J. NISHA BANU, J.
and



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R.KALAIMATHI,J.

vsi

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