



C.R.P.No.1388 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1388 of 2024

J.Jebaraj Arunkumar

... Petitioner

Vs.

Deepa

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow this revision petition and set aside the order dated 13.12.2023 passed by the II Additional Principal Family Court at Chennai in IA.No.3 of 2023 in HMOP.No.504 of 2021.

For Petitioner : Mr.S.Vennila

For Respondent : Mr.Anand Raja



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ORDER

This civil revision petition has been filed to set aside the impugned order, dated 13.12.2023 in I.A.No.3 of 2023 in O.P.No.504 of 2021 passed by the learned II Additional Principal Judge, II Additional Principal Family Court at Chennai.

2.This Court on 21.06.2024 had passed the following order:

“The petitioner, estranged husband of the respondent/wife filed a divorce petition in H.M.O.P.No.504 of 2021 which is pending before the II Additional Family Court, Chennai, in which he filed I.A.No.1 of 2023 seeking grant of custody of child Davamani Johan and I.A.No.2 of 2023 for interim custody of the child daily in the evening from 3.00 p.m. to 9.00 p.m. and to restrain the respondent from causing hindrance in having access to his child. The Family Court permitted the petitioner to pick up the child from the respondent's residence at 8.00 a.m. and leave him at 6.00 p.m. on first and third Saturday of every month till the disposal of O.P. In the event of first and third Saturday being school working days for the child, it is not possible for him to pick the child on that days. Hence, the petitioner filed I.A.No.3 of 2023 stating that the petitioner is separated from



his child for the past two years and he was in fond hope to spend time with this child, but the respondent is not permitting the petitioner to see his child and further on the petitioner's father death anniversary, the respondent not permitted the child to attend the prayer meeting or any of the ceremony, the respondent also not permitting the petitioner to meet his son on the festival time and special occasions. The Family Court by order dated 13.12.2023 modified the condition that the petitioner is permitted to take the child from the respondent's residence at 7.00 p.m. and to leave him back at the residence of the respondent at 6.00 p.m. on first and third Saturday till the disposal of O.P.

2.The learned counsel for the petitioner submits that the petitioner is permitted to take the child the child at 7.00 p.m. but to leave him on the same day at 6.00 p.m., which is impractical and not a workable order.

3.The learned counsel for the respondent submits that he has to be served with typed set of papers.

4.Both the learned counsel for the petitioner and the learned counsel for the respondent submit that the matter may be referred to Mediation for amicable settlement between the



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petitioner and the respondent.

5.Accordingly, the Registry is directed to place the matter before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.

6.Post the matter before the Court along with the report after completion of the mediation process.”

3.In continuation and conjunction to the above order, this Court is passing the following order.

4.On the request made by either side, the matter was referred to mediation by this Court on 21.06.2024. Now the mediation completed and the Settlement Agreement, dated 29.08.2024 produced to that effect. The scanned reproduction of the settlement agreement is as follows:



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SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT entered into on 28th day of Aug. 2024 between **J.Jebaraj Arunkumar**, S/o. Late. J.S.Jayakumar, Christian, aged about 43 years, residing at Flat No.2C, Door No.32, Sidharth Surabhi Apartment, A.P. Road 1 Lane, Choolai Chennai-600112,

And

Deepa, D/o Mrs. Anhumani Somu, aged about 42 years, residing at 22/83, FVK Sampath Road, Vepery, Chennai- 600007.

Whereas

1. Dispute and differences had arisen between the parties hereto and C.R.P. No. 1388 of 2024 Against LA No.3 of 2023 In HMOP No.504 of 2021 was pending before the Hon'ble High Court of Madras.
2. The matter was referred to Mediation / Conciliation vide an order dated 21.06.2024 passed by the Hon'ble High Court of Madras.
3. The parties agreed that Ms.S.Thamizharasi & Ms.S.Viji would act as their Mediator/Conciliator.
4. Several meetings were held during the process of Mediation/Conciliation from 04.07.2024 to 23.08.2024 and the parties have with the assistance of the Mediator/Conciliator voluntarily arrived at an amicable solution resolving the above-mentioned disputes and differences.
5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/Conciliator.





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6. THE FOLLOWING SETTLEMENT HAS BEEN ARRIVED AT BETWEEN THE PARTIES HERETO:

- A. The Petitioner and respondent agreed to take custody of child for first 10 calendar days by the petitioner/father and other 20 calendar days by the respondent/mother and all the days for extra classes and school pick and drop by father for 10 days and other days if the child wishes, the petitioner will drop the child to respondent home.
- B. The respondent agrees to leave the child for Christmas 2024 and new year 2025 with the respondent and 2025 Good Friday with respondent, 2025 Easter with the petitioner & 2025 Christmas and 2026 new year with the petitioner likewise they exchange their custody as per alternate years. And the respondent agrees to allow the child, half of the day (5hrs) to the petitioner on child birthday 14.05.2024.
- C. The petitioner agreed to bear all the expenses for clothing, food, school, religious upbringing and other activities of the child including entire education expenses the child wishes to study. The respondent agrees to bear all the expenses for clothing and food for the 21 days.
- D. The child has been provided with a mobile phone which will have access to both petitioner and respondent always.
- E. The petitioner agrees to take process to retrieve the Passport of the child since it is lost. The copy of the complaint should be given to the respondent within one month. Both the petitioner and respondent agreed to give intimation to the other person for taking the child abroad or out of station. A saving investment scheme for the child will be initiated by the petitioner within six months from the date of signing of this agreement.



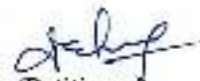
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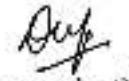
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- F. The petitioner who has already taken health insurance for 1 crore for his child will continue to pay the premium and the receipt will be given to the respondent.
- G. Both the petitioner and respondent should not insist the child to strictly adhere by the above agreement, child should be at liberty to decide his wishes. Interest of the child's welfare to be protected.
7. By signing this Agreement, the parties hereto state that they no further claims or demands against each other with respect to C.R.P. No. 1388 of 2024 Against LA No.3 of 2023 In IIMOP No.504 of 2021 was pending before the Hon'ble High Court of Madras and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of Conciliation/Mediation.

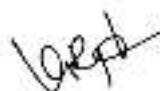
DATE: 28.08.2024

PARTIES' SIGNATURE


: (Petitioner)


(Respondent)

COUNSEL'S SIGNATURE


: (Petitioner)


(Respondent)





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5. In view of the above settlement regarding custody of child, no further order is required in this civil revision petition. Accordingly, the same is closed.

06.09.2024

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Index: Yes/No

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Note: Issue Order Copy on 24.09.2024.

To

The II Additional Principal Judge,
II Additional Principal Family Court at Chennai.



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M.NIRMAL KUMAR, J.

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