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C.M.A. Nos.1140 and 1131 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

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

C.M.A.Nos.1140 and 1131 of 2022

V.Haritha Lakshmi

.... Appellant in both the appeals

Vs.

N.Prasad

S/o K.Nammalvar

.... Respondent in both the appeals

Civil Miscellaneous Petitions filed under Section 19 of Family Court Act 1955 against the judgment and decree dated 30.09.2021 passed in O.P.Nos.3796 of 2016(in respect of CMA No.1140 of 2022) and 3110 of 2015 (in respect of CMA No.1131 of 2022) by the III Additional Principal Family Court, Chennai.

For Appellant : Ms.A.Syed Kaleesha

For Respondent : Mrs.K.Santhakumari



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COMMON ORDER

(The order of the Court was made by Mrs.J.Nisha Banu,J.)

C.M.A.No.1131 of 2022 has been filed by the appellant/wife challenging the judgment and decree dated 30.09.2021 passed in O.P.No.3110 of 2015 by the III Additional Family Court, Chennai, granting divorce in favour of the respondent/husband. C.M.A.No.1140 of 2022 has been filed by the appellant/wife challenging the judgment and decree dated 30.09.2021 passed in O.P.No.3796 of 2016 by the III Additional Family Court, Chennai, dismissing the petition filed by the appellant/wife seeking for a direction to the respondent/husband to perform conjugal duties.

2. When the matter came up before this Court on 13.08.2024, the learned counsel for the appellant had stated that after divorce, the respondent/husband remarried and he is having two children. This Court suggested the respondent/husband to make one time settlement in favour of the minor child so that the interest amount can be utilised for the welfare of the minor child. After negotiation, the respondent/husband agreed to pay Rs.25 lakhs in favour of the minor child. Accordingly, the matter is posted today for the respondent to bring the Demand Draft for



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Rs.25 lakhs in favour of the minor child.

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3. Today, the appellant and the respondent are present before this Court. The respondent/husband produced a Demand Draft dated 02.09.2024 in the name of the minor child-Pranavi Prasad, drawn in Axis Bank, Periyar Nagar Branch, Chennai in D.D.No.029918 for a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only). The appellant/wife agreed for the said amount and received the said Demand Draft across the Bar. The appellant /wife is directed to deposit the said amount in a fixed deposit scheme, till the minor child attains the age of majority and the interest accrued thereon shall be withdrawn by the appellant/wife once in three months, directly from the Bank.

4. Since the respondent/husband had already remarried and having two children, there will no useful purpose in prosecuting these Civil Miscellaneous Appeals. Moreover, the appellant/wife has also received the demand draft of Rs.25 lakhs given by the respondent as one time settlement. Therefore, the judgment and decree of divorce granted by the III Additional Family Court, Chennai, in O.P.No.3110 of 2015 dated



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30.09.2021, is confirmed. Accordingly, C.M.A.No.1131 of 2022 is

dismissed and C.M.A.No.1140 of 2022 is disposed of. No costs.

(J.N.B,J.) (R.K.M., J.)
10.09.2024

Index : Yes / No
Internet : Yes
vsi

To

III Additional Principal Family Court,
Chennai

J. NISHA BANU, J.
and



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R.KALAIMATHI,J.

vsi

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