



C.M.A.No.708 and 709 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

C.M.A.Nos.708 and 709 of 2018

K.Manju ... Appellant
in both C.M.As.

Vs.

R.Mohan ... Respondent
in both C.M.As.

Common Prayer: These Civil Miscellaneous Appeals are filed under Section 19 of Family Courts Act r/w u/s 28(4) of the Hindu Marriage Act against the common fair and decreetal orders dated 09.01.2018 made in O.P.No.2843 of 2011 on the file of the II Additional Family Court, Chennai.

For Appellant : Mr.M.Ramalingam
in both C.M.As.

For Respondent : Mr.P.Raghu
in both C.M.As.

COMMON JUDGMENT



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(Judgment of the Court was delivered by J. Nisha Banu, J)

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These Civil Miscellaneous Appeals have been filed by the appellant/wife against the fair and decreetal order dated 09.01.2018 allowing the O.P.No.2843 of 2011, filed by the respondent/husband seeking to dissolve the Marriage and dismissed the Restitution of Conjugal rights filed by the appellant wife in O.P.No.130/2012.

2. It is submitted by the learned counsel for the appellant that as per the order passed in O.P.No.2843 of 2011 on the file of III Additional Family Court, the respondent/husband paid Rs.6,00,000/- by way of demand draft in favour of the appellant/wife. Thereafter, in M.C.No.570/2017 filed by the appellant/wife, the parties have settled the issue among themselves whereby the appellant wife has agreed for full and final settlement of Rs.20,00,000/- and the parties entered into a Joint Memorandum of Compromise dated 15.02.2020.

3. In terms of the Joint Memorandum of Compromise, the appellant also received a demand draft for a sum of Rs.10,00,000/- in the name of his son (Bharath) vide D.D.No.000002000 dated 14.02.2020, drawn on State Bank of India and for the balance amount of Rs.10,00,000/-, the respondent husband has



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given a post dated cheque No.071101, dated 30.08.2020.

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4. Today, when the matters are taken up for hearing, learned counsel for the appellant and the respondent would state that pending these appeals, the appellant and the respondent settled the issue among themselves in the Maintenance Case [M.C.No.570 of 2017] and as per the terms of the Joint Memorandum of compromise, the parties agreed that they will lead their life separately. As such they settled their marital issues. Learned counsel for the appellant also produced the copy of the Joint Compromise Memo dated 15.02.2020.

5. Since the parties have settled the issue in terms of the joint memorandum of compromise before the Trial Court in the Maintenance Case and agreed to live separately, nothing survives for further adjudication in the present Civil Miscellaneous Appeals. Accordingly, the Civil Miscellaneous Appeals are closed. No costs.

(J.N.B, J.) (R.K.M., J.)
29.10.2024

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J. NISHA BANU, J.
and
R.KALAIMATHI, J.

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To

The III Additional Principal Family Court,
Chennai.

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