



CMA.No.688 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM:

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY**

C.M.A.No.688 of 2021

Maria Perpetua Priya

... Appellant

Vs.

G.Vasanth Kumar Philip

...Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19(1) of the Family Court Act, 1984, against the decree and common judgment passed in O.P.No.3432 of 2012, dated 20.03.2020 on the file of the VII Additional Family Court, Chennai granting divorce to the respondent on the ground of cruelty and desertion.

For Appellant : Mr.S.Udhaya Kumar

For Respondent : Mrs.Sheila Jayaprakash

J U D G M E N T

This Civil Miscellaneous Appeal is filed by the appellant-wife as against the decree and common judgment passed in O.P.No.3432 of 2012, dated 20.03.2020 on the file of the VII Additional Family Court, Chennai. The



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Court below vide order dated 20.03.2020 in O.P.No.3432 of 2012, allowed the petition filed by the petitioner/ husband thereby dissolving the marriage between the petitioner and the respondent on the ground of cruelty and desertion. Aggrieved against the said order, the respondent / wife has preferred the present Civil Miscellaneous Appeal.

2. On 21.06.2023, we directed both the parties to appear before the Tamil Nadu Mediation and Conciliation Centre with respective counsel for mediation.

3. After mediation, both parties arrived at a settlement in the presence of Mediator and settled the disputes and differences through the process of mediation. On 27.09.2023, settlement was arrived and settlement agreement was entered into between the parties. The terms of the settlement agreement is extracted hereunder:-

“SETTLEMENT AGREEMENT

WHEREAS

1. Disputes and differences had arisen between the Parties hereto and C.M.A. Was filed on 20.03.2020 before the High Court, Madras.



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2. *The matter was referred to mediation/ conciliation vide an order dated 21.06.2023 passed by High Court, Madras*

3. *The parties agreed that Mrs.Bala Natarajn would act as their Mediator/ Conciliator.*

4. *Several Meetings were held during the process of Mediation from 30.06.23 to 27-09-23 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.*

6. *The following settlement has been arrived at between the Parties hereto:*

A. Respondent shall pay Rs.30,00,000/- towards permanent alimony to the Appellant.

B. The Appellant shall release her one half share in the flat which is in Joint names of appellant and respondent on payment of Rs.10,00,000/-

C. Both parties have exchanged their articles including jewels.

D. The balance Rs.20,00,000/- will be paid at the time of passing of the decree of divorce.



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7. By signing this Agreement the Parties hereto state that they have no further claims or demands against each other with respect to C.M.A.688/2021 and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliation/Mediation. ”

4. It is also represented that pursuant thereof, that an amount of Rs.30,00,000/- (Rupees Thirty Lakhs only) has also been paid vide cheque drawn in favour of Maria Perpetua Priya dated 08.01.2024 vide Cheque No.005850. The appellant/wife has also executed the Release Deed, dated 10.01.2024 in respect of the property and the same has also been registered.

5. In view thereof, both side learned counsel pray that the appeal may be disposed of in terms of the Mediation Agreement.

6. Accordingly, the Civil Miscellaneous Appeal is disposed of in terms of the Mediation Agreement. The terms of the Agreement shall form part of the decree. The order of dissolution of marriage granted, shall stand



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confirmed on the ground of desertion alone. Since the matter is settled between the parties, the Registry shall refund the Court Fee as per Rules in force. No costs.

(J.N.B, J.) (D.B.C, J.)
26.02.2024

sts

Index : Yes / No

Internet : Yes / No

Speaking Order / Non-Speaking order

To:

The Court of VII

Additional Family Judge,

Chennai



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J.NISHA BANU, J.
AND
D.BHARATHA CHAKRAVARTHY, J.

sts

Judgment made in
C.M.A.No.688 of 2021

Dated:
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