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C.M.A.Nos.1759 and 1761 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

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

C.M.A.Nos.1759 and 1761 of 2024
and C.M.P.Nos.13882 of 2024

S.Srinath

...

Appellant
in both C.M.As.

Vs.

C.B.Janani

...

Respondent
in both C.M.As.

Prayer in C.M.A.No.1759 of 2024: The Civil Miscellaneous Appeal is filed under Section 19 of Family Courts Act r/w Section 25 of Hindu Marriage Act to set aside the judgment and decree dated 27.02.2024 made in H.M.O.P.No.527 of 2021 passed by the Principal Family Court Judge, Coimbatore, Coimbatore District.

Prayer in C.M.A.No.1761 of 2024: The Civil Miscellaneous Appeal is filed under Section 19 of Family Courts Act r/w Section 25 of Hindu Marriage Act to set aside the judgment and decree dated 27.02.2024 made in H.M.O.P.No.755 of 2021 passed by the Principal Family Court Judge, Coimbatore, Coimbatore District.



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For Appellant : Mr.M.R.Jothimanian
in both C.M.As.

For Respondent : Mr.L.Rajasekar
in both C.M.As.

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COMMON JUDGMENT

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

These Civil Miscellaneous Appeals have been filed by the appellant/husband against the judgment and decree dated 27.02.2024 made in H.M.O.P.Nos.527 and 755 of 2021 by the Principal Family Judge, Coimbatore, in which, the petition in H.M.O.P.No.527 of 2021 filed by the respondent/wife seeking for divorce was allowed and the petition in H.M.O.P.No.755 of 2021 filed by the appellant/husband seeking for restitution of conjugal rights was dismissed.

2. Today, when the matters were 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 and decided to live separately. The learned counsel for the appellant and the learned counsel for the respondent filed a Settlement



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Agreement dated 25.10.2024 duly signed by the parties and their respective counsel. In view of the Settlement Agreement, the parties have mutually agreed to withdraw the allegations against each other. Hence, the learned counsel appearing for both sides submitted that a decree of divorce may be granted on the ground of mutual consent. The learned counsel appearing on either side would state that the Civil Miscellaneous Appeals may be disposed of in terms of the Settlement Agreement.

3. The Settlement Agreement filed by the parties, dated 25.10.2024 is extracted hereunder:

"The appellant and respondent have agreed for the following terms and conditions:-

1. The appellant and the respondent confirm and declare that they have voluntarily and of their own free will arrived at a settlement agreement/compromise in the presence of the mediators and respective counsels.

2. The parties have exchanged their respective household articles, gold and silver ornaments and there is no any claim whatsoever in respect of the house hold articles, gold and silver ornaments against each other.



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3. *It is agreed between the appellant and the respondent that the appellant shall pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) vide two Demand Drafts drawn in favour of the respondent bearing Nos.297054 and 297055 both dated 21.10.2024 each for a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) as full and final settlement of all her/respondent claims in respect of the matrimonial disputes between them and also as a permanent alimony for the respondent/wife.*

4. *The appellant and respondent have agreed that the custody of the minor son S.J.Vaibav Shri shall be with the respondent/wife. As far as the visitation rights of minor child is concerned, it shall be mutually agreed between the grandparents of the minor child to visit the child.*

5. *The appellant has agreed to pay the minor son Vaibav Shri a sum of Rs.5,000/- (Rupees Five Thousand Only) as monthly maintenance on or before 5th of every English Calender month and also pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) per academic year for the Education Expenses of the minor son as ordered in M.C.No.169 of 2021 dated 27.02.2024 till the son attains the age of majority. Further, the said sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) shall be paid on or before 30th*



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of April every year before the commencement of the academic year.

6. In view of the settlement, the parties are mutually agreed to withdraw the allegations against each other. By signing this agreement the parties hereto state that they have no further claims or demands against each other with respect to these matrimonial issues and all the disputes in this regard have been amicable settled through the process of mediation. No further/future claim whatsoever is to be claimed either of parties."

4. The above Settlement Agreement filed by the parties dated 25.10.2024 is taken on record. In view of the above Settlement Agreement filed by the appellant and the respondent, the common judgment and decree dated 27.02.2024 made in H.M.O.P.Nos.527 and 755 of 2021 passed by the Principal Family Judge, Coimbatore, are hereby set aside and the marriage solemnized between the appellant and the respondent on 24.02.2019 is dissolved and a decree of divorce is granted on the ground of mutual consent since the parties have mutually agreed to withdraw the allegations against each other. Accordingly, these Civil Miscellaneous Appeals are disposed of in terms of the Settlement Agreement filed by the parties. The above Settlement Agreement dated



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25.10.2024 shall form part of the decree. There shall be no order as to costs.. Consequently, connected miscellaneous petition is closed.

(J.N.B, J.) (R.K.M., J.)
28.10.2024

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To

The Principal Family Court Judge,
Coimbatore, Coimbatore District.



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

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