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C.M.A.No.2652 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

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

C.M.A.No.2652 of 2024

Jyothi Sundar Rajan,
W/o.Krishnan Bhalaji

..Appellant

Vs.

Krishnan Bhalaji,
S/o.Krishnan

..Respondent

Prayer: The Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act, 1984, to set aside the order dated 30.01.2024 passed in O.P.No.4122 of 2019 by the Principal Judge, Family Court, Chennai.

For Appellant : Mr.S.P.Arthi

For Respondent : Mr.A.Sheila Jayaprakash



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J U D G M E N T

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

This Civil Miscellaneous Appeal has been filed by the appellant/ wife to set aside the order dated 30.01.2024 passed in O.P.No.4122 of 2019 by the Principal Judge, Family Court, Chennai, in which, the petition filed by respondent/husband for divorce was granted on the ground of cruelty.

2. Today, when the matter is taken up for hearing, learned counsel for the appellant and the respondent would state that pending the appeal, the appellant and the respondent settled the issue among themselves and they have filed a joint memo of compromise dated 01.10.2024 duly signed by the parties and their respective counsel. Learned counsel appearing on either side would also state that the Civil Miscellaneous Appeal may be disposed of in terms of memorandum of settlement and that the marriage dated 27.01.2002 performed between the parties may be dissolved.

3. The joint memo of compromise dated 01.10.2024 is extracted hereunder:

MEMORANDUM OF UNDERSTANDING

The appellant and the respondent have now



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jointly settled all their disputes on the following terms and conditions:

- 1. The marriage solemnized between the appellant and respondent dated 27.01.2002 will be dissolved by a decree of divorce.*
- 2. The respondent has today paid the appellant a sum of Rs.50,00,000/- (Rupees Fifty Lakhs Only) by RTGS to the credit of the appellant into her Account held with ICICI Bank, Palavakkam Branch, in full and final settlement of all claims for maintenance past, present or future either civil or criminal for the minor son Hari. The Appellant waives her right for maintenance and undertakes that she will make no future claims towards maintenance or alimony, past present or future, civil or criminal for herself or the minor child.*
- 3. The Appellant shall be the sole and exclusive custodian and guardian of the minor child, Hari and shall be at absolute liberty to make all decisions for the minor son, without any reference to the respondent. The respondent has this day handed over to the Appellant all relevant orders, documents and papers concerning the minor child, Hari. The parties agree that the Appellant shall file a petition for appointment of herself as the sole guardian and custodian of the minor child and the Respondent shall submit to a decree in the said petition.*
- 4. The appellant and petitioner have each taken possession of their own articles and jewels and will make no further claims against each other for the return of the same.*



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5. *The parties will not make any claims against each other for the division of any properties immovable or moveable. All properties that are standing in the name of the individual parties will remain as their sole and absolute property.*
6. *The appellant and respondent will withdraw all complaints made against each other before any public authority and no further action will be taken against each other by filing any complaints, maintenance cases, petitions or suits. The Appellant shall also withdraw Review Apl.No.46 of 2023.*
7. *They appellant and respondent have filed this joint memo of their own free will and have not been coerced or forced into filing the same.*

It is therefore prayed that this Hon'ble Court be pleased to dissolve the marriage solemnized between the appellant and respondent according to Hindu rites and custom on 27.01.2002 at Sri Meenakshi Kalayana Mandapam, Choolaimedu, Chennai, by a decree of divorce in terms of this Memo of Compromise and pass such further or other orders as may be deemed fit and proper.

4. The above joint memo of compromise is recorded. In view of the joint memo of compromise filed by the appellant and the respondent, the marriage solemnized between the appellant and the respondent dated



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27.01.2002 is dissolved and a decree of divorce is granted. Accordingly, the Civil Miscellaneous Appeal is disposed of in terms of the memorandum of compromise filed by the parties. The joint memorandum of compromise dated 01.10.2024 shall form part of the decree. No costs.

(J.N.B,J.) (R.K.M., J.)
01.10.2024

Index : Yes / No
Internet : Yes
vsi

To

The Principal Judge,
Family Court,
Chennai.



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**J. NISHA BANU, J.
and
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