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C.M.A.Nos.3049 & 3053 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU
and
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.M.A.Nos.3049 & 3053 of 2023

and

C.M.P.No.28827 of 2023

Lakshmi Priya @ Priya Bai
W/o D.K.Balaji Shah

... Appellant in both the Appeals

Vs.

D.K.Balaji Shan
S/o D.M.Kasi Sha

... Respondent in both the Appeals

Prayer: These Civil Miscellaneous Appeals are filed under Section 19 of Family Courts Act, 1984, against the order dated 21.03.2023 in O.P.No.1433 of 2022 and O.P.No.2501 of 2018 respectively on the file of the I Additional Family Court Chennai.

For Appellant
in both the Appeals : Ms.A.Sumathy

For Respondent
in both the Appeals : Mr.B.Vijayakarthiskeyan



C.M.A.Nos.3049 & 3053 of 2023

COMMON JUDGMENT

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

These Civil Miscellaneous Appeals have been filed by the appellant/ wife against the common order dated 21.03.2023 in O.P.No.1433 of 2022 and O.P.No.2501 of 2018 respectively, by which, the petition filed by the respondent/husband for divorce, was granted on the ground of cruelty and the petition filed by wife, for restitution of conjugal rights, was dismissed.

2. When the matter was taken up for hearing on 04.11.2024, the learned counsel for the respondent/husband stated that the respondent had agreed to settle a sum of Rs.18,00,000/- as permanent alimony in favour of the appellant/wife, for which, the appellant/wife, who was present before this Court, also agreed. Therefore, this Court suggested the parties to file a joint compromise memo and posted the matter on 16.11.2024.

3. Today, a joint consent memo dated 18.11.2024 is filed which is 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 joint memorandum



C.M.A.Nos.3049 & 3053 of 2023

of compromise filed by the parties.

4. The joint consent memo filed by the parties dated 18.11.2024 is extracted hereunder:

***"JOINT MEMORANDUM OF COMPROMISE
BETWEEN THE PETITIONER AND RESPONDENT***

*The Petitioner and Respondent above named
state as follows:*

*1. Petitioner is Lakshmi Priya @ Priya Bai
W/o D.K.Balaji Shah, Hindu, aged about 30
years, residing at No.63, Maduranthottarn,
Kanchipuram 631 501 and temporarily come
down to Chennai.*

*2. Respondent is D.K.Balaji Shah S/o
Mr.D.M.Kasi Shan No.46, Mangapathy Naicken
Street, Chintadripet, Chennai - 600 002.
Presently residing at Door No.5/13, Flat Nos.GA
& GB Ground Floor, Nagamani Street,
Chintadripet, Chennai - 600 002.*

*3. The petitioner begs to file this present Civil
Miscellaneous Appeal No.3049 of 2023 and Civil
Miscellaneous Appeal No.3053 of 2023 under
Section 19(1) of Family Courts Act, 1984 against
the order dated 21 day of March, 2023, in
O.P.No.2501 of 2018 on the file of the I*



WEB COPY



C.M.A.Nos.3049 & 3053 of 2023

Additional Family Courts, Chennai.

4. The Petitioner herein has filed M.C.No.3/2019 for maintenance case against the respondent and the same is pending before the Hon'ble Judicial Magistrate Court no.1 at Kancheepuram now its transfer to before the Hon'ble Chief Judicial Magistrate court at Kancheepuram. in the meantime, both the petitioner and respondent shall be agreeing conditions and files joint memo.

5. In furtherance of the same, both the Petitioner and respondent agree for the following conditions:

a. The Petitioner is gainfully shall have claim of maintenance to MC No.3/2019 case against the respondent. The Petitioner was received the permanent alimony payment for State Bank of India Demand Draft No."447066" dated 14.11.2024 for Rs.18,00,000/- (Eighteen Lakhs) expressly given up her right to any maintenance or permanent alimony, past, present or future against the respondent.

b. The Petitioner shall withdraw M.C.No.3 of 2019 filed by her against the respondent which is pending before the Hon'ble Judicial Magistrate



C.M.A.Nos.3049 & 3053 of 2023

court no.1 at Kancheepuram now its transfer to before the Hon'ble Chief Judicial Magistrate court at Kancheepuram

c. Both the petitioner and the respondent fully agree and acknowledge that there are no other claims due against each other.

6. The petitioner and respondent are submitting that they have given quietus to all their problems and issues by filing this Joint Memorandum of Compromise and there will be no future litigations, civil or criminal, against each other or their respective family members for any reason whatsoever.

By virtue of the aforesaid understanding and compromise, the Petitioner hereby submit that these Civil Miscellaneous Appeal No.3049 of 2023 and Civil Miscellaneous Appeal No.3053 of 2023 petitions may kindly be disposed in terms of the present Joint Memorandum of Compromise. It is therefore, prayed that this Hon'ble Court may be pleased to record the above Joint Memorandum of Compromise executed by the Petitioner and the respondent herein and above Civil Miscellaneous Appeal No.3049 of 2023 and Civil Miscellaneous Appeal No.3053 of 2023



C.M.A.Nos.3049 & 3053 of 2023

petitions may kindly be closed, pass suitable orders and thus render justice."

5. As per the joint compromise memo, a sum of Rs.18,00,000/-, by way of demand draft dated 14.11.2024 drawn on State Bank of India in favour of the appellant/wife, has also been handed over to the appellant/wife by the respondent/husband. The above joint compromise memo filed by the parties is recorded.

6. In view of the above Joint Memorandum of Compromise filed by the appellant and the respondent, the order dated 21.03.2023 passed in O.P.No.2501/2018, dissolving the marriage solemnized on 05.02.2010 between the appellant and the respondent, is confirmed. Accordingly, both the Civil Miscellaneous Appeals are disposed of in terms of the joint memorandum of compromise filed by the parties. The parties have no claim whatsoever against each other. The above joint memorandum of compromise dated 18.11.2024 shall form part of the decree. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B, J.) (R.S.V., J.)
18.11.2024

Index:Yes/No



C.M.A.Nos.3049 & 3053 of 2023

Speaking/Non-speaking order
vsi

To

The I Additional Family Court,
Chennai.



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C.M.A.Nos.3049 & 3053 of 2023

J. NISHA BANU, J.
and
R. SAKTHIVEL, J.

vsi

C.M.A.Nos.3049 & 3053 of 2023

18.11.2024