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C.M.A.No.4053 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS. JUSTICE R.KALAIMATHI**

C.M.A.No.4053 of 2019

Lakshmi

..Appellant

Vs.

Manivannan

..Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the order and decreetal order dated 13.08.2019 made in H.M.OP.No.227 of 2018 on the file of the Principal Family Court, Cuddalore.

For Appellant : Mr.P.Suresh Babu

For Respondent : Ms.Jayanthi Venkatesh

J U D G M E N T

(The Judgment of the Court was made by Mrs.J.Nisha Banu,J.)

This civil miscellaneous petition has been filed by the appellant/wife against the fair and decreetal order dated 13.08.2019 in H.M.O.P.No.227 of 2018 on the file of the Family Court, Cuddalore,



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filed by the appellant /wife for grant of divorce.

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2. The matter was referred to mediation vide an order dated 30.08.2024 at the instance of the learned counsel for the appellant as well as the respondent.

3. In the mediation, the parties with the assistance of the Mediator arrived at an amicable solution resolving all disputes and differences and also arrived at a Settlement Agreement in the presence of the Mediator. Learned counsel for the appellant and the learned counsel for the respondent filed a Settlement Agreement dated 20.09.2024 duly signed by the parties and their respective counsel.

4. The parties are present before this Court. This Court has also enquired the parties as to the Settlement Agreement arrived between them. They agreed the said Settlement Agreement arrived in the Mediation process and agreed for dissolution of marriage. Learned counsel appearing on either side would state that the Civil Miscellaneous Appeal may be disposed of in terms of the Settlement Agreement arrived



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between the parties before the Mediator.

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5. The Settlement Agreement dated 20.09.2024 is extracted hereunder:

" SETTLEMENT AGREEMENT

This Settlement Agreement entered into on 20th September 2024 between Mrs.Lakshmi, D/o.Mr.Sudarkozhundhu, residing at Chinnappan Street, Manjakuppam, Cuddalore 607 001, Cuddalore Taluk and District.

And

Mr.Manivannan, S/o.Mr.Jayaraman, residing at Mariyamman Koil Street, D.Kumarapuram, Naththampattu Post, Cuddalore Taluk and District.

WHEREAS

1. Disputes and differences had arisen between the parties hereto and H.M.O.P.No.227 of 2018 on the file of the Principal Family Court, Cuddalore and against the dismissal of HMOP, CMA No.4053 of 2019 was filed on 04.09.2019 before the Hon'ble High Court of Madras. The CRP No.3546 of 2019 was filed on 04.09.2019 before the Hon'ble High Court of Madras with respect to the Return of articles and a maintenance case was filed wherein M.C.No.64/2018 on the file of the Principal



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Family Court, Cuddalore.

2. *The matter was referred to mediation vide an order dated 30.08.2024 passed by HONOURABLE MRS JUSTICE J.NISHA BANU, HONOURABLE MRS JUSTICE R.KALAIMATHI.*

3. *The parties agreed that Ms.P.Vijayalakshmi would act as their mediator.*

4. *Several meetings were held during the process of Mediation from 06.09.2024 to 20.09.2024 and the parties have with the assistance of the Mediator voluntarily arrived at an amicable solution resolving the above mentioned and all 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.*

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

A. *Both the parties agree that their marriage life has broken down irreversibly and they agree for the dissolution of their marriage.*

B. *Both the parties have exchanged their respective articles and jewels and both parties admit that there is no claim against each other in respect of their belongings / articles / jewels.*

C. *Both the parties agree that they do not have any*



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claim against each other regarding past, present or future maintenance or alimony from each other henceforth.

D. Both the parties agree not to file any cases / disputes regarding the marriage, matrimonial rights and / or any other connected matters or disputes, as against each other and / or their relatives in future in any forum or pursue with any pending litigation in future.

7. By signing this Agreement the parties hereto state that there are no claims or demands against each other with respect to CMS No.4053 of 2019 and CRP.No.3546 of 2019 on the file of the Hon'ble High Court of Madras and all connected issues whether pending before any court or otherwise and hence all disputes and differences between parties herein have been amicably settled in the above terms through the process of Mediation and all pending proceedings before any court of forum including M.C.No.64/2018 on the file of the Principal Family Court, Cuddalore shall stand closed in terms of this compromise settlement agreement."

6. The above Settlement Agreement is recorded. Since the parties have come to a settlement among themselves, there shall be decree for



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divorce. Therefore, the order 13.08.2019, dismissing the H.M.O.P.No.227 of 2018, seeking to dissolve the Marriage, is hereby set aside Accordingly, this Civil Miscellaneous Appeal is disposed of. The Settlement Agreement dated 20.09.2024, filed by the parties shall form part of the decree. No costs.

(J.N.B,J.) (R.K.M., J.)
15.10.2024

Index : Yes / No
Internet : Yes
sk

To
The Principal Family Court,
Cuddalore.

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



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