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C.M.A.No.4573 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

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**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL**

C.M.A.No.4573 of 2019

Velmurugan

..Appellant

Vs.

Gangadevi

..Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, against the order and decree dated 20.09.2019 in M.O.P.No.187 of 2012 passed by the learned Family Court Judge, Pondicherry.

For Appellant : Mr.S.Natarajan

For Respondent : Mr.V.Kamalakumar

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/husband against the fair and decreetal order dated 20.09.2019 in M.O.P.No.187 of 2012, on the file of the Family Court, Pondicherry, filed by the appellant /husband for grant of divorce on the ground of



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desertion.

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2. The matter was referred to mediation vide an order dated 29.07.2024 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 06.11.2024 duly signed by the parties and their respective counsel.

4. Learned counsel appearing on either side would state that the Civil Miscellaneous Appeal may be disposed of in terms of the Settlement Agreement arrived between the parties before the Mediator.

5. The Settlement Agreement dated 06.11.2024, is extracted



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hereunder:

"SETTLEMENT AGREEMENT"

The appellant and the respondent hereinafter collectively referred to as the 1st party and 2nd party respectively state as follows:-

Mr.Velmurugan, son of Mr.Palanisamy, age about 43 years, Hindu, residing at No.14, Indira Nagar, Sanyasikuppam Village, Thirubuvanam Post, Pondicherry, who is the appellant.

Mrs.Gangadevi, daughter of Mr.Parasuraman, aged about 42 years, Hindu, residing at No.34, Cuddalore Road, madagadipetpalayam, Pondicherry, who is the respondent.

1. The appellant has filed C.M.A.No.4573 of 2019 against the order dated 20.09.2019 passed in M.O.P.No.187 of 2012 and seeking divorce against the respondent on the ground of desertion.

2. The case was referred to mediation vide an order dated 29.07.2024 passed by the Hon'ble High Court on 06.08.2024, wherein Mr.E.Sathish Kumar and Ms.J.Sudha have been appointed as the Mediators.

3. 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 Mediators.

WITNESSETH:



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Whereas the parties have been married on 08.02.2009 at Sri Sivagnana Balaya Swamigal Thirumadam in Sr.Siva Subramaniya Thirukoil, Mayilam and Reception was held at Om Sakthi Subhiksh Mahal, Vadamangalam as per Hindu rites and customs.

And Whereas there is a girl child born in the legal wedlock named V.Suganthi, born on 02.11.2009.

And Whereas the parties have been at Loggerheads, litigating from the year 2012.

and Whereas during the process of mediation and after due discussions on 02.09.2024 and 03.10.2024, the parties have mutually agreed to settle their disputes amicably on the terms reduced to writing hereunder.

THE FOLLOWING SETTLEMENT HAS BEEN ARRIVED AT BETWEEN THE PARTIES HERETO:

- 1. The parties declare that the material articles viz., Sridhana and Jewellery have been exchanged between them and they have no claims against each other in this regard.*
- 2. The appellant has paid the sum of Rs.35,00,000/- (Rupees thirty Five Lakhs only) vide DD.No.027886 dated 04.11.2024 drawn on Central Bank of India in favour of V.Suganthi towards the full and final settlement for future maintenance of his daughter.*
- 3. The 2nd party hereby agrees to the CMA being allowed in terms of this compromise without admitting the accusation*



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of desertion.

4. The 1st party hereby waives his rights of visitation to the minor child V.Suganthi and the 2nd party hereby waives her rights of claiming in future for any maintenance and alimony.

5. The 1st party has no objections to the 2nd party being the guardian of the minor child.

6. The 2nd party hereby agrees to withdraw the D.V.C.No.02 of 2021 pending on the file of Judicial Magistrate Court No.IV, Puducherry.

7. The 1st party hereby agrees to withdraw the appeal filed by him in Crl.A.No.04 of 2022 pending on the file of IInd Additional District Court, Puducherry.

By signing this Agreement the parties hereto state that they have no further claims or demands against each other and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of Mediation."

6. Thus in terms of the Settlement Agreement,

(i) there shall be decree for divorce between the appellant and the respondent.

J. NISHA BANU, J.
and



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R.SAKTHIVEL,J.

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(ii) the order dated 20.09.2019, passed in M.O.P.No.187/2012, is hereby set aside.

7. Accordingly, this Civil Miscellaneous Appeal is disposed of. The Settlement Agreement dated 06.11.2024, filed by the parties shall form part of the decree. No costs.

(J.N.B,J.) (R.S.V., J.)
07.11.2024

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To

The Judge,
Family Court, Pondicherry.

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