



O.P.No.1169 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:12.11.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

O.P.No.1169 of 2018

Dr.Tahir Ahmed

.. Petitioner

/versus/

Syeda Najia

.. Respondent

Prayer: Original Petition has been filed under Sections 3,7 to 10 and Section 25 of the Guardian and Wards Act and Order XXI Rule 2 and 3 of the Original Side Rules:-

(a)that the petitioner may be granted permanent custody of the minor girl child Asma Ahmed Imami, born on 22.09.2014 currently aged about 4 years and 2 months and minor boy child Amaan Ahmed Imami, born on 06.08.2016 currently aged 2 years and 3 months and thus render justice,

(b)that the petitioner be appointed as the guardian of the person of the two minor children minor girl child Asma Ahmed Imami born on 22.09.2014 currently aged about 4 years and 2 months and minor boy child Amaan Ahmed Imami born on 06.08.2016 currently aged 2 years and 3 months.



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For Petitioner :M/s Geeta Ramaseshan

For Respondent :M/s Sheila Jaayaprakash

ORDER

Joint Memo of compromise entered between the petitioner and respondent is filed. It is duly signed by the parties as well as their respective learned counsels. Both the parties along with their counsel are also present.

2.Joint Memo of compromise read over to the parties and they agreed to the terms of joint memo of compromise. Joint Memo of compromise is recorded. The contents of the Joint Memo of Compromise reads as follows:-

“1. The marriage between the petitioner and respondent was solemnized on 21.06.2013 at New College Auditorium, Royapettah, Chennai - 600 014 according to Islamic rites and ceremonies. The petitioner and respondent have two children born out of this wedlock, one minor daughter, Asma Ahmed Imami, born on 22.09.2014 currently aged about 10 years and one minor son, Amaan Ahmed Imami, born on 06.08.2016 currently aged about 8 years. I submit that due to the differences between us, the respondent filed a suit seeking a dissolution of the marriage under the Dissolution of Muslim Marriages Act before the Hon'ble VI Additional



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Family Court. However, following various subsequent discussions, the marriage was dissolved by a Deed of Khula which was accepted by the petitioner on 02.11.2021 and O.S. No. 120 of 2023 was filed before the Hon'ble VI Additional Family Court seeking a declaration that the Khula is valid with both of their consent.

2. The petitioner has filed the OP seeking to be granted permanent custody of his minor daughter Asma Ahmed Imami, born on 22.09.2014 currently aged about 10 years and the minor boy child named Amaan Ahmed Imami, born on 06.08.2016 currently aged about 8 years, and to be appointed as the guardian of the above mentioned two minor children.

3. During the pendency of the above O.P. before this Hon'ble Court, the Petitioner and Respondent have voluntarily, amicably resolved to settle all their disputes and differences on the following terms and conditions:

a. The petitioner and respondent agree that keeping in mind the best interest and welfare of the minor children, and in order to avoid confusion in the minds of the minor children and also to avoid any future difficulties, the respondent / mother shall have the custody of both children and raise them as she wishes and will be responsible for nobosat all aspects of their life.

b. The petitioner and respondent agree that the respondent will take care of their maintenance and all their expenses and will decide on all matters pertaining to them.

c. The petitioner and respondent agree that the petitioner will have the right to contact the children over phone, once in a fortnight, date and



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timing will be decided accordingly.

d. The petitioner and respondent agree that the petitioner shall meet the children once in 3 months, date and timing will be decided accordingly.

In view of the above, it is humbly prayed that this Hon'ble Court may be pleased to record this Joint Memo of Compromise and allow the O.P. in terms of this Joint Memo of Compromise and pass any such further orders or orders that this Hon'ble Court may deem fit according to the facts and circumstances of this case and thus render justice.”

3. In view of the compromise memo, this Original Petition is disposed of in terms of memo of compromise. Memo of compromise filed by the parties shall form part of the decretal order. No costs.

12.11.2024

Index:yes/no

Speaking order/non speaking order
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DR.G.JAYACHANDRAN,J.



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