



C.R.P(MD)No.349 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(MD)No.349 of 2022

and

CMP(MD)No.1521 of 2022

M.Arunprabhu

... Petitioner/Petitioner/Petitioner

vs.

Radhika

... Respondent/Respondent/Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Decretal order dated 16.11.2021 in I.A.No.7 of 2021 in O.P.No.286 of 2019 on the file of the Family Court, Sivagangai.

For Petitioner : Mr.H.Thayumanaswamy

For Respondent : Mr.S.Vanchinathan

ORDER

The Civil Revision Petition is directed against the order dated 16.11.2021 in I.A.No.7 of 2021 in O.P.No.286 of 2019 passed by the Family Court, Sivagangai.



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2. When the matter came up for hearing today (ie., on 01.08.2024), both parties namely, the husband, Mr. Arunprabhu and the wife, Radhika were present before this Court. They have resolved their differences and have decided to separate. They have decided to get their marriage dissolved by filing an application under Section 13B of the Hindu Marriage Act, 1955. The wife has agreed to receive a total sum of Rs.13,00,000/- towards all claims of alimony, maintenance etc. and the said sum, today, ie., on 01.08.2024, the demand draft bearing D.D.No.691812, dated 31.07.2024 drawn a Union Bank of India has been handed over to the wife-Radhika for a sum of Rs.6,50,000/-. It is the agreement between the parties that the balance sum of Rs.6,50,000/- also will be handed over by way of another demand draft. But the custody of the same will be with the learned counsel on behalf of the respondent/wife. The said demand draft bears D.D.No.691813 and the same is also drawn a Union Bank of India, which is dated 31.07.2024. It is the agreement between the parties that the same will be held as safe custody by the learned counsel appearing on behalf of the respondent/wife and will be handed over to her for encashment on the day when the final order passed in the mutual consent divorce petition.



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3.I have also examined both parties. Both parties have agreed that they have entered into the above compromise on voluntary basis. They have also understood the terms of the compromise. They are in a position to explain what are the terms of compromise between them. Both sides learned counsel also agreed that such a compromise had been entered into. Today, a detailed compromise deed entered into between them, which is, engrossed in a hundred rupees stamp paper and printed in Tamil and signed by the parties and the witness and also an individual affidavit, both the husband and wife as well as a short joint compromise memo signed by both parties and their counsel evidencing that they have settled their issue as per the compromise agreement is filed before the Court and the same is taken on file.

4.In view thereof, the Civil Revision Petition is disposed of in terms of the said compromise memo. The agreement dated 01.08.2024, the undertaking in the affidavits filed by the parties and the joint compromise memo shall form part of the order. It is made clear that pursuant to the joint compromise memo, the wife will not press the protest petition in Crl.M.P.No.234 of 2022 as well as the domestic violence proceedings in DVC No.11 of 2022 and the husband will not press the pending divorce



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petition and both parties will jointly file a fresh petition for divorce under Section 13B of the Hindu Marriage Act, 1955. As and when, the said petition is filed, they will also file a waiver application, and in the waiver application, the jurisdictional Court shall duly consider the fact that the parties are in litigation from the year 2019 and only after due thought and persuasion by both sides learned counsel, they have resolved the issue now and therefore, the same will be appropriately considered in waiving the cooling period. No costs. Consequently, connected miscellaneous petition is closed.

01.08.2024

NCC : Yes / No
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To

The Family Court, Sivagangai.



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D.BHARATHA CHAKRAVARTHY, J.

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