



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.S.A(MD)Nos.46 & 47 of 2016

and

C.M.P(MD)Nos.10475 to 10478 of 2016

Muthu Nachiyar @ Rohini

... Appellant in both the
Appeals

Vs.

Muthukumaran

... Respondent in both the
Appeals

COMMON PRAYER: Civil Miscellaneous Second Appeals are filed under Section 28 of Hindu Marriage Act read with Section 100 of Civil Procedure Code, against the Judgment and Decree, dated 15.09.2016 made in HMCMA No.5 of 2014 on the file of the Principal District Court, Theni, confirming the Judgment Decree dated 08.10.2014 made in H.M.O.P.No.16 of 2011 on the file of the Sub Court, Periyakulam.

In both the Appeals:

For Appellant : Mr.P.R. Pirthiviraj

For Respondent : Mr.R.Suriyanarayanan

JUDGMENT

The wife has preferred these Appeals against the Judgment and

Decree, dated 15.09.2016 made in HMCMA No.5 of 2014 on the file of the



Principal District Court, Theni, confirming the Judgment Decree dated 08.10.2014 made in H.M.O.P.No.16 of 2011 on the file of the Sub Court, Periyakulam.

2. The Appellant herein/wife has filed a petition in H.M.O.P.No.16 of 2011 under Section 9 of Hindu Marriage Act, for restitution of conjugal rights and the same was dismissed. The husband has filed a petition in H.M.O.P.No.31 of 2011 under Section 13(1)(i-a) of Hindu Marriage Act, seeking divorce the same was allowed and granted divorce. Against the same, the wife has preferred an appeals in H.M.C.M.A.Nos. 5 & 6 of 2014 and the same were also dismissed. Against the said dismissal, the wife is before this Court.

3. Pending appeals, the parties have entered into a settlement and the terms of joint compromise has been reduced into writing and both the parties as well as their respective counsel signed the compromise. The said compromise memo is filed before this Court. The husband agrees to pay a sum of Rs.13,50,000/-[Rupees Thirteen Lakhs and Fifty Thousand only] towards full and final settlement of the maintenance to the wife and daughter as four installments on or before 31.12.2024.



4. In view of the same, the joint compromise memo is recorded.

The Civil Miscellaneous Second Appeals are disposed of in terms of the joint compromise. The joint compromise memorandum shall form part and parcel of this judgment and decree. If there is any default in payment, liberty is granted to the Appellant/wife to reopen these Appeals. No costs. Consequently, connected miscellaneous petitions are closed.

12.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA

To

1. The Principal District Court,
Theni.
2. The Sub Court,
Periyakulam.
3. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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Common Order made in
C.M.S.A(MD)Nos.46 & 47 of 2016

12.07.2024