



Crl.R.C(MD) No.246 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.R.C(MD) No.246 of 2024

and

Crl.M.P(MD)No.2785 of 2024

Martin Jones Palk

...Petitioner

Vs.

1.Saleth Josephine

2.Minor Ben Timothy

(Minor rep. by his mother /natural guardian

the 1st respondent Mrs.Saleth Josephine)

...Respondents

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records in pertaining to the order



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of the learned Judge, Family Court, Tiruchirappalli, dated 20.04.2023,
passed in M.C.No.84 of 2018 and set aside the same by allowing this
Criminal Revision.

For Petitioner : Mr.M.Dinesh Hari Sudarsan

For Respondent : Mr.R.Venkatesan

ORDER

The husband/petitioner filed this Criminal Revision
challenging the maintenance order granted in favour of his wife and
son/respondents herein in M.C.No.84 of 2018 on the file of the Family
Court, Tiruchirappalli, dated 20.04.2023.

2. The petitioner married the first respondent on 26.01.2011.
Out of the wedlock, the second respondent was born on 09.12.2011.
Due to matrimonial dispute between them, the petitioner filed divorce
petition in D.O.P.No.47 of 2016 before the III Additional District
Court, Tirunelveli and divorce was granted in his favour vide order



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dated 26.10.2016. After the said divorce, the petitioner married another woman. In the said circumstances, in order to disturb the petitioner, the first respondent filed maintenance case in M.C.No.84 of 2018 on the file of the learned Judge, Family Court, Tiruchirappalli, by claiming monthly maintenance of Rs.10,000/- each.

3. The learned Judge, after hearing the parties and on the basis of the evidence adduced before him, granted maintenance of Rs.3,000/- per month to each respondent. Challenging the same, the petitioner has filed this Criminal Revision.

4. Today (06.03.2024), when the matter is taken up for admission, both counsel on record would submit that this Court referred the matter to mediation vide order, dated 11.01.2024 at the SR stage itself and they have settled the matter before the Mediation and Conciliation Centre attached to this Bench. They have also entered into a settlement agreement, dated 13.02.2024 and the terms of above said settlement agreement are as follows:-



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SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT entered into on 13/02/2024 between

Mr. Martin Jones Palk

... Petitioner

And

1) Mrs. Saleth Josephine

2) Minor Ben Timothy

... Respondents

WHEREAS

1. Disputed and differences had arisen between the parties hereto and C.M.P.(MD).No.1494 of 2023 was filed on 08/10/23 before Hon'ble HC Bench Madurai

2. The matter was referred to mediation/ conciliation vide an order dated 11/01/2024 passed by Hon'ble Mr.Justice Vivek Kumar Singh

3. The parties agreed that K.Vinayakan would act as their Mediator/ Conciliator.

4. Several meetings were held during the process of Mediation/ Conciliation from 22-01-2024 to 13-02-2024 and the parties have with the assistance of the Mediator/Conciliator voluntarily arrived at an amicable solution resolving the above mentioned 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/Conciliator

R. Jones



H. Saleth Josephine



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

A) That, The petitioner / husband agreed to pay a sum of Rs.8,50,000/- (Eight lakhs fifty thousand) towards full and final settlement including future educational and medical expenses of the 2nd respondent and the future maintenance of the 1st and 2nd respondents.

B) The Hon'ble Family court, Trichy has already passed an award on 20/04/2023 to pay Rs.1,17,066/- as medical expenses and Rs.3000/- per head per month as maintenance amount to both respondents this arrear amount also included in this full and final settlement.

C) The respondents agreed to withdraw the C.M.P.33 of 2023 in MC 84/2018 pending before the Hon'ble Family Court, Trichy.

D) That Rs.6,03,186/- as DD No.980485 dated 29/01/2024 drawn at Union Bank Tirunelveli Branch in favour of 1st respondent

That Rs.2,00,000/- in cash the respondent received.

That Rs.47,000/- in G.Pay No.7904011993 (Mr. Alex brother of 1st Respondent)

7. By signing this Agreement the parties hereto state that they have no further claims or demands against each other with respect to Cr.L.M.P.(MD).No.14949 of 2023 (Case No) and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of Conciliation/Mediation

R. Jeyaraj

M. Subash Chandra



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DATE: 13/02/2024

PARTIE'S SIGNATURE:

(PETITIONER)

(RESPONDENT)

COUNSEL'S SIGNATURE: _____

(PETITIONER)

(RESPONDENT)

Kalangan
(Mudat)





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5. In view of the settlement arrived at between the parties and the amount of permanent alimony received by the respondents to the tune of Rs.8,50,000/- (Rupees Eight Lakhs and Fifty Thousand only) by way of cash and demand draft, this Court is inclined to set aside the impugned order passed by the learned Judge, Family Court, Tiruchirappalli.

6. Accordingly, the impugned order passed by the learned learned Judge, Family Court, Tiruchirappalli, in M.C.No.84 of 2018, dated 20.04.2023, is hereby set aside and the Criminal Revision Case stands allowed. The Settlement Agreement, dated 13.02.2024, is recorded and the same shall form part of this order. Consequently, connected miscellaneous petition is closed.

06.03.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes / No
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To

The Judge,
Family Court,
Tiruchirappalli,



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VIVEK KUMAR SINGH, J.

RM

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