



DATED : 08.01.2025

THE HONOURABLE MRS. JUSTICE J.NISHA BANU
and
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.M.A.No.2681 of 2016

D. Senthilkumar ... Appellant

Vs.

Shanmugapriya ... Respondent

Prayer: The Civil Miscellaneous Appeal is filed under Section 19 of Family Courts Act against the judgment and decree dated 05.10.2016 made in H.M.O.P.No.217 of 2014 on the file of the Family Court, Erode. (Transferred H.M.O.P.No.186 of 2013 - Sub Court, Erode).

For Appellant : Mr.N.Manokaran

For Respondent : Mr.J.Ranjith Kumar



C.M.A.No.2681 of 2016

WEB COPY

3. The said Joint Compromise Memo filed by the parties, dated 08.01.2025 is extracted hereunder:-

1. The appellant and the respondent are legally wedded husband and wife and their marriage was solemnized on 30.11.1998 at Mallikai Arangam, Erode, in accordance with the Hindu Rites and Customs. The appellant and the respondent have female child out of the wedlock born on 2000 named Nandha Sugitha.

2. The appellant filed divorce petition in H.M.O.P.No.217 of 2014 on the file of the learned Family Court, Erode, and it was dismissed on 05.10.2016. The appellant filed this Civil Miscellaneous Appeal before this Hon'ble Court to set aside the judgment and decree of the Court below.

3. Now the appellant and respondent desirous of ending their matrimonial relationship owing to incompatibility and irreconcilable differences that have arisen between them. They have been living separately since January, 2011 till date for the past 14 years.

4. The appellant and respondent out of their own free will without any coercion, duress and/or threat, have agreed to dissolve their marriage by way of this Joint compromise and both of them executed MoU dated 03.01.2025.

5. The respondent and their daughter Ms.Nandha Sugitha agreed to receive a sum of Rs.30,50,000/- (Rupees Thirty Lakhs and Fifty Thousand only) from the appellant as a



C.M.A.No.2681 of 2016

permanent alimony in full and final settlement of all her present and future claims.

6. On this day (08.01.2025) the appellant handed over three Demand Drafts, dated 30.12.2024 drawn on Tamilnadu Grama Bank, Gaapathipalayam Branch, Erode, in favour of his daughter Ms.Nandha Sugitha. The details of the demand drafts are as follows:-

DD No.001244 for Rs.10,00,000/-, DD No.001245 for Rs.10,00,000/- and DD No.001242 for Rs.5,50,000/- amounting to total sum of Rs.25,50,000/- (Rupees Twenty-Five Lakhs and Fifty Thousand only). She has acknowledged receipt of the same.

7. The appellant handed over a Demand Draft No.001243, dated 30.12.2024, and drawn on Tamilnadu Grama Bank, Ganapathipalayam Branch, Erode to the respondent for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) on this day (08.01.2025), and the respondent has acknowledged receipt of the same.

8. The respondent shall immediately withdraw M.C.No.72 of 2023 pending on the file of the learned Family Court, Erode. The respondent and the daughter agree that they have no claim over the either in ancestral or self-acquired movable/immovable property of the appellant.

9. The respondent agrees that, other than this permanent alimony of Rs.30,50,000/- (Rupees Thirty Lakhs and Fifty Thousand only), she and her daughter shall not claim any amount as alimony or maintain in any manner or for any



C.M.A.No.2681 of 2016

purpose from the appellant at any point of time.

10. The appellant agrees that the gold jewels weighing 10 sovereigns, which was presented by the appellant to the respondent at the time of marriage, has been handed over to their daughter, Nandha Sugitha.

11. The respondent agrees that the gold ring weighing 1 sovereign, along with cash amounting to Rs.50,000/- and household items, including a bed and cupboard, which were presented by the respondent to the appellant at the time of marriage are to be retained by the appellant.

12. The appellant and respondent agree that no other article, jewellery or cash of the appellant is available with the respondent. No other articles, jewellery or cash of the respondent is available with the petitioner.

13. The appellant and respondent agree and accept for dissolution of marriage solemnized on 30.11.1998 at Mallikai Arangam, Erode, in accordance with the Hindu Rites and Customs and it is agreed and accepted that the above said marriage between appellant and respondent would stand dissolved.

14. The appellant and respondent agree that they will not proceed with any litigation in respect of their matrimonial dispute present or future and waive all their claims against each other. The appellant and respondent have no claim against each other whatsoever.



C.M.A.No.2681 of 2016

WEB COPY

15. *The appellant and respondent undertake not to interfere, interrupt and/or indulge in the lives of the other Party and/or their family members or relatives, in any form or manner.*

16. *The appellant and respondent entered into joint compromise on their own free will and have not been forced or coerced to executing the same.*

It is therefore prayed that this Hon'ble Court may be pleased to accept this joint compromise memo filed by the appellant and respondent and dissolve the marriage which was solemnized between appellant and respondent on 30.11.1998 at Mallikai Arangam, Erode, and pass such other suitable orders and thus render justice.

4. The learned counsel for the appellant has produced four Demand Drafts dated 30.12.2024 viz., (1) D.D.No.001242 for a sum of Rs.5,50,000/- (2) D.D.No.001243 for a sum of Rs.5,00,000/- (3) D.D.No.001244 for a sum of Rs.10,00,000/- and (4) D.D.No.001245 for a sum of Rs.10,00,000/-, amounting to total sum of Rs.30,50,000/- (Rupees Thirty Lakhs and Fifty Thousand Only) drawn in favour of the respondent/wife as permanent alimony in full and final settlement and the same have been handed over to the respondent before this Court.



C.M.A.No.2681 of 2016

WEB COPY

5. The above Joint Compromise Memo filed by the parties dated 08.01.2025 is taken on record. In view of the above Compromise Memo filed by the appellant and the respondent, the judgment and decree dated 05.10.2016 made in H.M.O.P.No.217 of 2014 passed by the Family Court, Erode, is hereby set aside and the marriage solemnized between the appellant and the respondent on 30.11.1998 is dissolved and a decree of divorce is granted on the ground of mutual consent. Accordingly, this Civil Miscellaneous Appeal is disposed of in terms of the Joint Compromise Memo filed by the parties. The above Joint Compromise Memo dated 08.01.2025 shall form part of the decree. There shall be no order as to costs.

(J.N.B, J.) (R.S.V, J.)
08.01.2025

asi

To

The Family Court,
Erode.



WEB COPY



C.M.A.No.2681 of 2016

J. NISHA BANU, J.
and
R.SAKTHIVEL, J.

asi

C.M.A.No.2681 of 2016

08.01.2025