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CMP.No.6728 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.06.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CMP.No.6728 of 2025
in CRP.No.1229 of 2019

C.Meenakshi
W/o.N.Rajaram
D/o.S.A.Ganesh
No.13, 22nd Street, Nehru Colony
Palavanthangal
Chennai - 600 114.

... Petitioner

Vs.

N.Rajaram
S/o.Nayagam
No.13, 22nd Street, Nehru Colony
Palavanthangal
Chennai - 600 114.

... Respondent

Prayer: Civil Miscellaneous Petition filed under Section 151 of CPC
praying to clarify the order in CRP.No.1229/2019 and CRP.No.2020/2020 .

For Petitioner : Mr.R.Parthiban

For Respondent : Dr.R.Sampath Kumar



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ORDER

It is rather unfortunate that the petitioner herein having engaged a counsel to represent her case in CRP.No.1229 of 2020 and the said counsel having made his representations before the Court seeking transfer of HMOP.No.544 of 2017 filed by the petitioner before the Sub Court, Tambaram to the file of this Court in order to enable the Court to record the Memorandum of Compromise dated 10.07.2019 entered between the parties, to dissolve their marriage, has now engaged the services of an another counsel, who has come forward with a new set of facts today and makes a representation that the memo has not been authorised by her.

2. It would be necessary to elicit the brief facts based on which this Court has passed its order in CRP.No.1229 of 2019 and CRP.No.2020 of 2020. The facts are as follows :

- a) The petitioner who is now before this Court in the present CMP is the respondent in CRP.No.1229 of 2019. The said revision in CRP.No.1229 of 2019 was filed by the respondent-husband seeking a direction of this Court for speedy disposal of



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HMOP.No.544 of 2017.

- b) The said HMOP.No.544 of 2017 was filed by the petitioner-wife seeking dissolution of her marriage with the respondent.
- c) On 29.03.2019, when the matter was posted for admission, the parties reported that the matter may be referred to mediation. Accordingly, this Court, with the consent of parties, had referred the matter to mediation and directed the parties to appear before the Mediation Centre on 08.04.2019, and also directed the Registry to send the records to the Mediation Centre.
- d) On 10.07.2019, the parties had arrived at a compromise before the Mediation Centre and the terms of compromise was reduced into writing and the same was duly signed by the parties and their respective counsel . The scanned reproduction of the memo of compromise dated 10.07.2019 is as under :



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IN THE HIGHCOURT OF JUDICATURE AT MADRAS

C.R.P. (P.D.) No. 1229 of 2019

In

H.M.O.P. No. 544 of 2017

(On the file of the Sub Ordinate, Tambaram)

N. RAJARAM,
S/o Nayagam,
No. 13, 22nd Street,
Nehru Colony,
Palavanthangal.
Chennai – 600 114.

Petitioner/Respondent

Vs

G. MEENAKSHI
W/o N. Rajaram,
D/o. S.A. Ganesh,
No. 13, 22nd Street,
Nehru Colony,
Palavanthangal,
Chennai – 600 114.

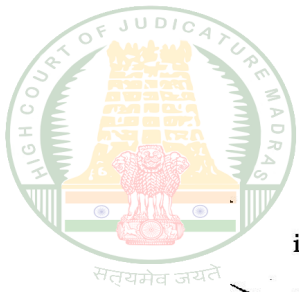
Respondent/Petitioner

MEMO OF COMPROMISE

The respondent herein has filed H.M.O.P. No. 544 of 2017 against the Petitioner herein for divorce pending on the file of learned Subordinate Judge at Tambaram. For speedy trial the above said C.R.P is filed and the case was forwarded before Mediation Centre, in which amicable settlement is arrived on the following terms and conditions:

- i. The Respondent herein agreed and offered to dissolve the marriage conducted between the petitioner and respondent herein on 28.01.2002 at Tirupathi Tirumala, T.P. 71A Marriage Mandapam (Mel Tirupathi) the same was accepted by the petitioner herein and the same shall be effected from the date of passing order in the above C.R.P. .

N. Rajaram
10/07/19
G. Meenakshi



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ii. The Respondent agreed and handed over the custody of second child N.R.

VishnuPriya, aged about 13 years to the petitioner herein on 10.07.2019 in future the respondent shall not disturb the custody of child with petitioner in whatsoever manner.

iii. The Respondent agreed to receive the permanent alimony for a sum of Rs. 6.0 Lakhs, the same was paid by the Petitioner by way D.D. No. 208129, dated 04.07.2019, Axis Bank, Nanganallur in favour of Respondent/ Meenakshi.

iv. The Respondent is having the custody of first child/ R. Meera, aged about 15 years. In future the petitioner shall not disturb the custody of first child with respondent in whatsoever manner. For R. Meera, the respondent agreed to receive the permanent alimony for a sum of Rs. 6.0 Lakhs, the same was paid by the Petitioner by way D.D. No. 208130, dated 04.07.2019, Axis Bank, Nanganallur in favour of R. Meera, The respondent agreed to deposit the above said Rs. 6.0 Lakhs in favour of R. Meera in any Nationalized Bank and to utilise the interest amount accruing thereof in the welfare of R. Meera till her majority and Petitioner agreed to Respondent shall be the nominee and guardian for R. Meera for the purpose of deposit supra stated. The respondent agreed to produce the copy of the deposit receipt before passing order in above C.R.P.. If R. Meera wishes to change the custody to Petitioner before attaining majority means, the respondent agreed to give up nominee pertained to the deposit in favour of Petitioner.

v. The respondent agreed to withdraw the H.M.O.P. No. 544 of 2017 which is pending on the file of Tambaram Sub Ordinate Court after passing the order in the above C.R.P.

N. Dayan 10/07/19
S. Keralathilakam



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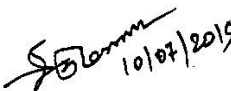
vi. The petitioner agreed to withdraw the G.W.O.P. No. P6 /2018 filed by himself and the same is pending on the file of Principal District Judge at Chingleput after passing the order in the above C.R.P.

vii. The petitioner and respondent has exchanged their respective articles/items/things between themselves, both quit all claims in whatsoever manner against each other in present or past or future.

viii. Both the spouses have visitation right of their female children in a common place convenient for them to visit twice in a month by communication.

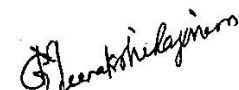
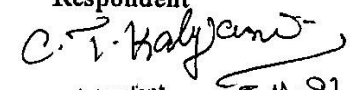
viii. The above said Memo of compromise is irrevocable either by Petitioner or Respondent. The Memo of compromise is executed between Petitioner and respondent without any coercion, fraud, misrepresentation, undue influence and with full consent and consciousness and free will.

Dated at Chennai on this the 10th day of July 2019.


10/07/2019
Counsel for Petitioner


10/07/19
Petitioner


Counsel for Respondent


Respondent

Superintendent
Copyist Department
15-11-22



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e) Thereafter, the matter was listed before this Court on 27.08.2019.

The compromise memo was taken on file by the Court and the civil revision petition in CRP.No.1229 of 2019 was disposed of in terms of the memo of compromise. The Court in its order dated 27.08.2019, has also recorded that the compromise memo shall form part of the decretal order.

f) Pursuant to the order of this Court dated 27.08.2019, the counsels appeared before the Court on 17.12.2019, and made a mention that there exists a conflicting stand in the memo of compromise dated 10.07.2019, wherein one clause states that the respondent-wife would withdraw the HMOP.No.544 of 2017 filed by her before the Sub Court, Tambaram and whereas the other clause states that the petitioner-wife would dissolve the marriage. Therefore, they wanted to recall the order of this Court dated 27.08.2019 in CRP.No.1229 of 2019, to that extent.

g) The matter was directed to be listed before the Court, and accordingly, the matter was listed on 03.01.2020. On the said date, the counsel for the petitioner/husband reported that the respondent-wife had agreed and offered to dissolve the marriage



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conducted between her and the petitioner-husband, and therefore, the HMOP.No.544 of 2017 pending before the Sub Court, Tambaram has to be withdrawn and transferred to the file of this Court to enable the Court to record the memorandum of compromise entered between the parties and to dissolve the marriage. The order dated 27.08.2019 in CRP.No.1229 of 2019 was recalled and the learned Sub Judge, Tambaram was directed to transfer HMOP.No.544 of 2017 to the file of this Court to record the compromise.

- h) In terms of the memorandum of compromise, the petitioner-wife now before this Court had also received two demand drafts, each for Rs.6,00,000/-, one for herself and the other for her elder daughter R.Meera.
- i) Thereafter, the entire records relating to HMOP.No.544 of 2017 was transferred to the file of this Court and re-numbered as CRP.(PD) No.2020 of 2020.
- j) Subsequently, both the revisions CRP.(PD) No.1229 of 2019 and CRP(PD) No.2020 of 2020 were listed before the Court on 17.12.2020. In the light of the terms of agreement entered



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between the parties on 10.07.2019, where the petitioner-wife has agreed to withdraw HMOP.No.544 of 2017, CRP.(PD) No.2020 of 2020 was dismissed as withdrawn and consequently CRP(PD) No.1229 of 2019 stands closed.

3. The petitioner-wife has now come forward to clarify the order passed by this Court on 17.11.2020 in CRP.No.1229 of 2019 and CRP.No.2020 of 2020, contending that she was unaware that her marriage has been dissolved. This statement is totally contrary to the memorandum of compromise dated 10.07.2019, which is also duly signed by the petitioner herein, who is an educated lady. To reiterate, Clause (i) of the said memo of compromise would state that the respondent-wife had agreed and offered to dissolve the marriage conducted between herself and the respondent-husband on 28.01.2002, and in Clause (v) it was also agreed that the dissolution would come into effect from the date of passing of the order in the above CRP (i.e., CRP.(PD) No.1229 of 2019). This memo of compromise is not only signed by the petitioner but also by her counsel. Therefore, there is no ground made out for clarifying the earlier order dated 17.11.2020 passed by this Court in CRP.No.1229 of 2019 and CRP.No.2020 of 2020.



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4. Accordingly, the above civil miscellaneous petition is dismissed.

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Index : Yes / No

Neutral Citation : Yes / No

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P.T. ASHA, J.

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