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CRP.No.1772 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.04.2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.1772 of 2025

Ziaul Huq
S/o. Kader, No.83/2, Pachayappan Street, Triplicane,
Chennai-14

Petitioner(s)

Vs

Nasreen Banu
D/o.Asraf Ali, No.83/2, Pachayappan Street,
Chennai-14

Respondent(s)

Prayer : Civil Revision Petition filed to set aside the order dated 21.02.2025 in Crl.M.P.No.1381 of 2024 in D.V.C.No.87 of 2018 by the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai and to restore the petition for fresh hearing.

For Petitioner(s): Mr. A.Rajamohamed

For Respondent(s): M/s. Niranjan Rajagopalan
for M/s. G.R.Associates



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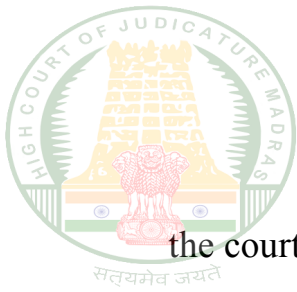
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ORDER

This Civil Revision Petition is filed praying to set aside the order dated 21.02.2025 in CrI.M.P.No.1381 of 2024 in D.V.C.No.87 of 2018 by the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai and to restore the petition for fresh hearing.

2. Brief facts of the case :- The respondent/petitioner has filed D.V.C.No.87 of 018 on the file of Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai, and it came to be ordered on 30.11.2021. The petitioner/husband was set exparte and an exparte order came to be passed on 31.11.2021. The petitioner/husband has filed an application seeking to set aside the exparte order by filing an application in CrI.M.P.No.1381 of 2024, seeking to condone the delay of 1027 days. The learned Magistrate, by order dated 21.02.2024 dismissed the application. Against which the present CRP has been filed.

3. Pending Revision, the parties entered into compromise and joint memo of compromise has been filed by parties. The parties are present before



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the court.

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4. The learned counsel appearing for both sides would submit that the matter arise out of matrimonial dispute and pending disposal of the matter, they have arrived into compromise and they would further submit that yet another proceedings in C.S.No.188 of 2018 is pending on the file of this court and that they would seek for disposal of this CRP on the terms of joint memo of compromise.

5. The respondent/wife also agreed to withdraw D.V.C., case pending before the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai. The learned counsel appearing for the respondent/wife would submit that pursuant to joint memo of compromise, the respondent has no objection in setting aside the order dated 21.02.2025 passed in CrI.M.P.No.1381 of 2024 in D.V.C.No.87/2018.

6 The Joint Compromise Memo filed by both parties dated 28/04/2025, is as follows:-

“ 1)Both parties have mutually decided to settle all the issues between them in an amicable manner, by virtue of entering into compromise between them.



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2) Both parties entered into their familial relationship, by virtue of a legally binding marriage ceremony dated 16.05.2001. Out of their wedlock, the parties together have a son named as Abdul Basith, currently aged about 22 years old, and a minor daughter named Ameera, currently aged about 12 years old.

3) Due to differences of opinions and values leading to constant conflicts and friction in their relationship, the parties mutually separated, but have been living under the same roof since May 2018.

4) In light of the conflicts, the respondent herein initiated a Civil Suit vide C.S.No.188 of 2018 against the petitioner and his siblings, before the Ho'ble Madras High Court which is currently pending, as well as a Domestic Violence case vide D.V.C.No.87 of 2018 before the Hon'ble Additional Mahila Court at Egmore, which is also pending with maintenance awarded till date of disposal.

5) It is to be noted that both the aforementioned proceedings were initiated and filed, well during the life of the petitioner's mother Late Mrs.P.M.Burhan Beve, who passed away in March 2025 only.

6) It is submitted that after much deliberation and without any undue influence, duress or coercion and out of own individual volition, both parties have mutually and expressly agreed to amicable compromise the subject matter issues between them.



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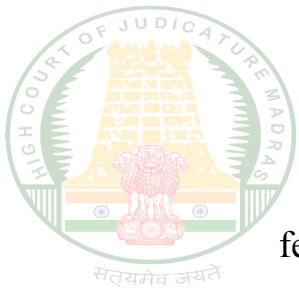
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7) It is submitted that pursuant to compromise talks, the petitioner's last elder sister, Mrs.Bharakat Nisha (R5 in C.S.No.188 of 2018) has settled her share of the property in favour of the respondent towards maintenance of children as well as marriage expenses, that were initially borne by the respondent herself. The Reservation token for Registration of said settlement of property before the Sub Registrar of Triplicane has been obtained for 30.04.2025.

8) It is further submitted, that the respondent has paid the necessary stamp duty, at the rate of 2%, viz., Rs.43,610.00 (Rupees Forty three thousands six hundred and Ten only) as well as Stamp paper, at the rate of 7% viz.Rs.1,40,000/- (Rupees One lakh and Forty Thousand only) as on 27.04.2025.

9) Both parties have mutually accepted to initiate divorce proceedings, by duly filing petition for mutual consent before the Hon'ble Family Court at Chennai. The respondent has further agreed to withdraw the aforementioned civil suit C.S.No.188 of 2018 & Domestic Violence case viz., D.V.C.No.87 of 2018 initiated by her before the Hon'ble Additional Mahila Court respectively, after the property conveyed in her name. She also agrees for revocation of the attachment of the property, prior to the aforementioned scheduled Registration at SRO Triplicane.

10) Both parties represent, undertake and warrant that they have no further claims, accusations, demands or



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feelings against the other or their family members.

11) Both parties herein have agreed to not file any legal proceedings, civil or criminal or any other actions, claims or requisitions before the Hon'ble Courts or Tribunals or other authorities now or in the future against the order, his/her/family/relatives/friends for this same subject matter.

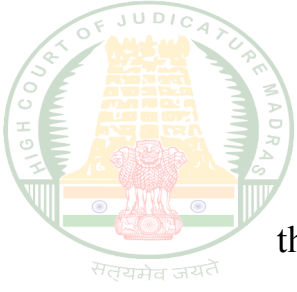
12) Both parties expressly declare that they have no claim against each other regarding the valuable articles, movables and immovables.

13) Both parties herein agree that this Joint Compromise Memo and/or essence of the principles mentioned in this Joint Compromise Memo will come into effect immediately after the property conveyed in the name of the respondent only.

14) Both parties have filed this Joint Compromise Memo out of their free will and volition after being independently appraised of their rights and obligations and upon full disclosure of consequences of the orders that may come to be passed.

15) Both parties have agreed that this Joint Compromise Memo filed before this Hon'ble Court is not under any undue influence, duress, fraud, coercion, or any force.

16) In the circumstances it is prayed that this Hon'ble Court may kindly be pleased to take this Joint Compromise Memo on record and dispose of the matter accordingly and



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thus render justice. “

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7. In view of the above, the revision petition stands disposed of on the terms of Joint Compromise Memo filed by both parties. The said Joint Compromise memo shall form part of the court records. No costs.

28-04-2025

nvsri

To

- 1.The learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai.
- 2.The Section Officer, V.R.Section, High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

nvsri

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