



WEB COPY

CMSA No. 18 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMSA No. 18 of 2023

AND

CMP NO. 617 OF 2023

S.T.Masilamani

Appellant

Vs

Vijayakumari

Respondent

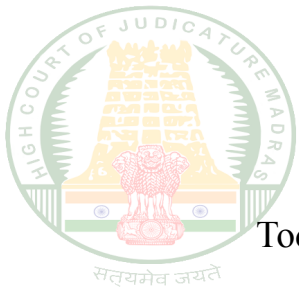
PRAYER

Civil Miscellaneous Second Appeal has been filed under Sec,100 of C.P.C. r/w Sec.28 of Hindu Marriage Act, praying to set aside the Fair and Decreetal Order dt.30.06.2020 made in CMA No. 2 of 2013 on the file of the Principal District and Sessions Judge, Thiruvallur confirming the Fair and Decreetal Order dated 21.10.2011 made in H.M.O.P.No. 45 of 2011 on the file of Subordinate Judges Court, Tiruttani.

For Appellant: Mr.A.R.Suresh

For Respondent: Mr.G.Jeremiah

JUDGMENT



Today, when the matter taken up for hearing under the caption “For Reporting compliance”, both parties appeared in person along with their counsels.

2. As per the settlement terms, today, the appellant submitted a demand draft dated 13.08.2025 bearing No. 498986 for a sum of Rs.20,00,000/- drawn in favour of daughter Sangeetha M. and another demand draft dated 20.08.2025 bearing No.498997 for a sum of Rs.15,00,000/- drawn in favour of respondent Vijayakumari N. as full and final settlement for maintenance and all other claims between petitioner and respondent. Since daughter Sangeetha was not able to come, she appeared through video conference. However, daughter Sangeetha has given undertaking affidavit that she would not make any further claim in respect of maintenance or in respect of property and she has given a power to her mother to receive the demand draft for a sum of Rs.20,00,000/- and the same was confirmed by this court through video conference as she had appeared today. Indeed both respondent and her daughter are represented through counsel. Therefore, there is no further claim between the parties in



future and the demand drafts are handed over to the respondent. The order

passed by this Court on 09.07.2025 is duly complied with. Accordingly, this

Civil Miscellaneous Second Appeal is allowed. The undertaking affidavit filed

by daughter Sangeetha is recorded and the same shall be forming part and

parcel of this judgment. No further orders.

28-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rpp

To

1. Principal District Judge, Tiruvallur.

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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S.T.Masilamani

Appellant

Vs

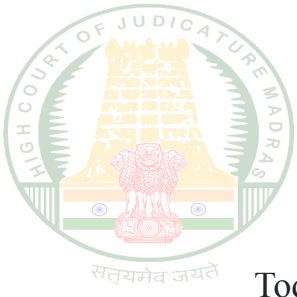
Vijayakumari

Respondent

PRAYER :- Civil Miscellaneous Appeal filed under Sec.100 of C.P.C. r/w Sec.28 of Hindu Marriage Act, praying to set aside the Fair and Decreetal Order dt.30.06.2020 made in CMA No. 2 of 2013 on the file of the Principal District and Sessions Judge, Thiruvallur confirming the Fair and Decreetal Order dated 21.10.2011 made in H.M.O.P.No. 45 of 2011 on the file of Subordinate Judges Court, Tiruttani.

For Appellant: Mr. A.R.Suresh

For Respondent: Mr.G.Jeremiah



JUDGEMENT

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Today, when the matter taken up for hearing, both the appellant and respondent appeared before this Court along with their counsels. On hearing both sides, the fact reveals that there is no possibility of re-union, since both were separated for more than 27 years, however, a daughter born to them was living with the respondent/wife of appellant. As on date, the appellant as well as respondent are employed, but the daughter was not given proper maintenance till her marriage as per the order of this Court by the appellant.

2. Under such circumstances, at the fag end of this cases, the appellant wanted to settle the issue amicably, though he is not inclined for re-union due to long separation. So, the relationship between the appellant and respondent is irretrievably broke down. Hence, there is no possibility for reunion. Both parties have arrived settlement. Accordingly, a sum of Rs.34,00,000/- was arrived as permanent alimony for both the respondent wife as well as his married daughter. At the time of argument, she would submit that her daughter also had some family problem and residing with her and she is under the custody of respondent.



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3. Considering the fact that a final settlement was arrived for a sum of Rs.35 lakhs as permanent alimony to the respondent wife as well as Sangeetha, daughter of appellant. He has agreed to settle the amount, but he needs some more time and to that effect, he filed an undertaking affidavit. The affidavit filed by the appellant is recorded. Since the matter is settled for a sum of Rs.35 lakhs, this Court is inclined to direct the appellant to draw a demand draft for a sum of Rs.15 lakhs in the name of respondent wife and another demand draft for a sum of Rs.20 lakhs in the name of his daughter Sangeetha within a period of eight weeks from the date of receipt of copy of this order. Considering the said settlement, this Court is inclined to allow this appeal and accordingly, the findings of the courts below is set aside. Divorce granted as prayed for in H.M.O.P.No.45 of 2011. Apart from that their marriage is irretrievably broke down.

4. In the result, this Civil Miscellaneous Appeal is allowed. No costs.

5. Post the matter for reporting compliance on 25.08.2025.

09-07-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rpp

To

1. Principal District Judge, Tiruvallur.
2. Sub-Judge, Tiruttani.
3. Section Officer, VR Section, Madras High Court.



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