



C.M.A.(MD)No.77 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 28.04.2025

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**
and
THE HON'BLE MS.JUSTICE **R.POORNIMA**

C.M.A.(MD)No.77 of 2019
and
C.M.P.(MD)No.774 of 2019

Thenmalar

... Appellant

Vs

J.Harihara Sutha Narayanasamy (Died)

2.Santhi

... Respondents

(The second respondent was brought on record as legal representative of the deceased sole respondent vide order, dated 24.10.2024 made in C.M.P.(MD)Nos.12599 to 12601 of 2024)

Prayer: This Civil Miscellaneous Appeal is filed under Section 19 of the Family Court Act, to call for the records pertaining to the judgment and decree in H.M.O.P.No.104 of 2014, dated 23.03.2018 passed by the learned Family Judge, Dindigul and to set aside the same.

For Appellant	:Mr.V.Thirumal
R1	:Died
For R2	:Mr.O.R.Gokul Abimanyu for M/s.Arul Vadivel Associates



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JUDGMENT

DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

The Civil Miscellaneous Appeal has been filed against the judgment and decree in H.M.O.P.No.104 of 2014, dated 23.03.2018 passed by the learned Family Judge, Dindigul.

2.The appellant married one J.Harihara Sutha Narayanasamy on 11.09.2011. Within one year of the marriage, J.Harihara Sutha Narayanasamy had filed a petition to declare the said marriage as null and void before the Family Court at Dindigul. The said petition was taken on file as H.M.O.P.No.104 of 2014. The appellant has filed a petition for restitution of conjugal rights before the Family Court at Dindigul, which was numbered as H.M.O.P.No.268 of 2014.

3.The Family Court at Dindigul, after trial, dismissed the petition filed by the appellant for restitution of conjugal rights and allowed the petition filed for declaring the marriage as null and void through a



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common judgment dated 23.03.2018. Being aggrieved, the appellant has filed C.M.A.(MD)No.77 of 2019 against the decree of nullity. She had also filed C.M.A(MD)No.78 of 2019 against the dismissal of her petition for restitution of conjugal rights.

4.Pending appeal, unfortunately, J.Harihara Sutha Narayanasamy died on 14.05.2021. Therefore, C.M.A(MD)No.78 of 2019 was dismissed as abated.

5.Pending appeal, the mother of J.Harihara Sutha Narayanasamy was impleaded as respondent in the above appeal.

6.Thereafter, the appellant had entered into a compromise with her mother-in-law with the help of the Mediation and Conciliation Centre attached to this Court and a settlement agreement had been drawn on 15.04.2025 in which, the appellant and the second respondent have agreed and signed in the presence of their respective Counsels. The terms of the agreement read as under:

“1.It is agreed by the 2nd Respondent Santhi W/o. Jothiswaraswamy that she shall pay a sum of Rs.25 Lakhs as



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permanent alimony to the Appellant namely Thenmalar and it will be paid in the form of demand draft in the name of Appellant by way of two installments. It is further agreed to pay 1st installment in the 1st week of June, 2025 for a sum of Rs.12,50,000/- and 2nd installment for a sum of Rs.12,50,000/- in the 1st week of July, 2025. The demand draft to be given to the Appellant at High Court, Madurai Bench in the presence of both side Counsels and to receive acknowledgment to that effect from the Appellant. The Appellant agrees that she will not make any further claim towards maintenance in future.

2.It is further agreed that the 2nd Respondent shall return the Gold Jewels 319 grams belonging to the Appellant to her which was pledged by the 1st Respondent / Husband (died) before the Bank and same to be redeemed from the Bank in presence of the Appellant or her authorized agent and hand over the same to the Appellant or her authorized person in the Canara Bank, Palani Branch itself after receiving the written acknowledgment from the Appellant or her authorized agent and same shall be done within a period of 3 months from the date of order of the Hon'ble High Court in C.M.A(MD) No.77 of 2019. The 2nd Respondent to intimate the date of redemption of the Jewels to the Appellant or her Counsel well in advance and enable them to be present before the Bank on that day.

3.It is agreed that apart from 319 gram of Gold Jewels, the 2nd Respondent agreed to give another 2 Sovereigns of Gold Jewels to the Appellant immediately at the time of receiving utensils and house hold articles. After that there is no future claim regarding any articles of jewels between both the parties.

4.It is agreed that the household articles, Silver articles and other Utensils brought by the Appellant to the matrimonial home will be handed over to the Appellant or her authorized person by the 2nd Respondent immediately and to intimate the date and time to return the goods well in advance to the Appellant or her Counsel to enable them to receive the articles at the matrimonial home. The Appellant or her authorized person shall be given written acknowledgment to the 2nd Respondent for the goods taken back by her which was belonged to her. After receiving the goods, there will be no other articles to be exchanged between them and there will be no future claim regarding any articles or goods.

5.It is agreed that the Appellant shall withdraw the pending cases filed by her i.e. 1) Crl.R.No.26 of 2024 and 2) Crl.R.No.27 of 2024, both cases are pending on the file of the Learned Principal District and Sessions Judge, Madurai.

6. It is further agreed that the Appellant to give an undertaking that not to pursue the partition case wherein the Appellant is arrayed



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as Defendant/Respondent No.5 in O.S.No.255 of 2021 pending before the Additional District and Sessions Court, Palani and not claim any right in the suit schedule property in future and she agreed to exonerate from the case and if any share allotted to the Appellant herein by the Trial Court in the above partition suit, the same to be given to the 2nd Respondent herein. Further, the 2nd Respondent herein agreed to withdraw the cases filed against the Appellant if any.

7. It is agreed that the Appellant will not have any legal right or claim as the wife of the deceased J.Harihara Sudha Narayanasamy S/o.Jothiswaraswamy in future and there is no claim of articles, jewels and property between them.”

7.The parties are present in Court today and concurred that they have entered into a compromise and want to settle the dispute amicably in terms of the compromise.

8.Being satisfied that the parties have agreed to settle dispute amicably and their agreement is voluntarily without any influence, the compromise is recorded. The Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(G.J., J.) (R.P., J.)
28.04.2025

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NCC : Yes / No
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The Judge, Family Court, Dindigul.



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