IN THE HIGH COURT OF JUDICATURE AT MADRAS 11/4/03

DATED : 11.04.2003

THE HONOURABLE MR. JUSTICE P.D. DINAKARAN

C.M.S.A.NO. 46 OF 2001

and

Contempt Petition No. 174 of 2003

S. Ganesan .. Appellant in C.M.S.A. & respondent in Cont. Petition

Vs.

G. Shalini @ Janaki
Wife of S. Ganesan .. Respondent in C.M.S.A. & Petitioner in Cont. Petition

Prayer : - C.M.S.A. is filed against the judgment and decree dated 26.9.2000, made in A.S.No. 94 of 2000 on the file of the Learned Principal District Judge, Nagapattinam, against the Judgment and decree dated 27.3.2000, made in H.M.O.P.No. 61 of 1999 on the file of the Learned Subordinate Judge, Nagapattinam.

For Appellant : Mr. G. Jawahallal

For Respondent : Mr. P. Mani

By consent, the Civil Miscellaneous Second Appeal is also taken up for final disposal along with the Contempt Petition.

2. During the course of hearing, both the appellant and the respondent in the second appeal have filed two separate joint memos of compromise, viz., in Contempt Petition No. 174 of 2003 and C.M.S.A.No. 46 of 2001, duly stamped and attested by the father of the contempt petitioner as well as the counsel on record.

3. The compromise memo filed in the C.M.S.A. is extracted hereunder :-

"1. The appellant and the respondent have agreed to lead family life in a separate residence at Tiruvarur along with the minor son Vijayakumar. The appellant husband will provide money for the maintenance of the respondent wife and the minor son.

2. The respondent's father undertakes not to interfere in the family life of the appellant and the respondent in any manner prejudicial to their interest.

3. The appellant husband has paid the entire amount ordered by this Hon'ble Court in C.M.P.Nos. 3806 and 3807/2002.

Hence it is prayed that this Hon'ble Court may be pleased to dismiss the C.M.S.A.No. 46 of 2001 as withdrawn and pass such other orders as are necessary for the above purpose and thus render justice.

4. The compromise memo filed in Contempt Petition No.174 of 2003 reads as follows:

"1. The petitioner and the respondent have agreed to lead family life in a separate residence at Tiruvarur along with the minor son Vijayakumar. The respondent husband will provide money for the maintenance of the petitioner wife and the minor son.

2. The petitioner's father undertakes not to interfere in the family life of the petitioner and the respondent in any manner prejudicial to their interest.

3. The respondent husband has paid the entire amount ordered by this Hon'ble Court in C.M.P.Nos. 3806 and 3807 of 2002.

Hence the petitioner and respondent humbly pray that this Hon'ble Court may be pleased to dismiss the contempt petition No.174 of 2003 and pass such other orders as are necessary for the above purpose and thus render justice.

5. In view of the joint memos of compromise, no further orders are required, except to record the same and to dispose of both the contempt petition and the civil miscellaneous second appeal in terms of the above joint memos of compromise. No costs.

Sd/-
Asst. Registrar

/ True copy /

Sd/-
Sub Asst. Registrar

Copies to

1. The Principal District Judge, Nagapattinam
2. The Subordinate Judge, Nagapattinam
3. The Record Keeper VR. Section, High Court, Madras.
4. The Nazir, Annex Building, High Court, Madras

+ 1 cc to Mr. G. Jawaharlal, Advocate S.R. 23092

+ 1 cc to Mr. P. Mani, Advocate S.R. 23146