

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.07.2015

Coram

The Honourable Mr.Justice N.KIRUBAKARAN

TR.CMP.No.392 of 2014

and

M.P.No.1 of 2015

S.Shanthini

.. Petitioner/Petitioner

Vs.

D.Sathish Kumar

.. Respondent/Respondent

Prayer: This petition has been filed Under Section 24 of the Code of Civil Procedure code to withdraw the case in H.M.O.P.No.108 of 2011 on the file of the Subordinate Court, Kancheepuram and the same to be transferred to the file of the Family Court, Chennai.

For Petitioner : Ms.M.Srividhya
For Respondent : Mr.C.Paranthaman

O R D E R

The petitioner/wife has come before this Court seeking transfer of H.M.O.P.No.108 of 2011 filed by her before the Sub Court, Kancheepuram to the file of Family Court, Chennai, confirming that she is working at Chennai along with their children.

2. Considering the future of the children, both the parties were directed to be present and hence, they are present and with the co-operate of the learned counsel for both the parties, the matter has been settled.

3. When the matter is called before this Court today, both the petitioner as well as the respondent are present along with their children. They categorically state that they do not want to live together and they are willing to get divorce. A memo of compromise signed by the parties and counter signed by their respective counsel has been filed wherein, they sought for divorce by mutual consent.

4. In view of the above development, no useful purpose will be achieved by keeping O.P.No.108 of 2011 filed before the Sub Court, Kancheepuram. The family dispute has been settled as seen from the statement made by the parties and as per the memo of compromise. Therefore, exercising the power under Article 227 of the Constitution

of India, suo motu, this Court withdraws the O.P.No.108 of 2011 and based on the submission made by the parties and the memo of compromise filed by both the parties, grants decree of divorce by mutual consent under Section 13(B) of Hindu Marriage Act.

5. It is evident from the memo of compromise, the minor children, viz., Sanjana and Yatin Aakash, who have been hitherto in the custody of the petitioner, are given the right of custody to the respondent today and the petitioner does not want to have the custody. She requests visiting rights of the children during quarterly, half yearly and annual vacations. The said right is given to the petitioner. She shall give an advance information to the respondent regarding her visit. As stated above, safeguarding the visiting rights of the petitioner, decree of divorce by mutual consent is granted, dissolving the marriage between the petitioner and the respondent held on 12.02.2003.

6. In the result, the Transfer Civil Miscellaneous Petition is disposed of, granting decree of divorce by mutual consent under Section 13(B) of Hindu Marriage Act in O.P.No.108 of 2011 as stated above. Consequently, connected Miscellaneous Petition is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Principal Family Court, Chennai.
2. The II Additional Family Court, Chennai.
- 3.The Subordinate Court, Kanchipuram
- 4.The Judicial Magistrate, Kanchipuram

+2 ccs to Mr.C.Paranthaman, Advocate sr.39485

+1 cc to Mrs.M.Srividhya Advocate sr.38921

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