

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2015

C O R A M

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P.No.463 of 2014

and

M.P.No.1 of 2014

A.Saranya

..

Petitioner

Vs.

R.Partheepan

..

Respondent

PRAYER: Transfer Petition filed under Section 24 of the Civil Procedure Code to withdraw and transfer I.A.No.28/2014 in unnumbered H.M.O.P on the file of Subordinate Judge, Maduranthagam to the file of Subordinate Judge, Chidambaram along with entire records.

For Petitioner : Mr.M.Sivavarthanan

For Respondent : Mr.K.G.Senthilkumar

O R D E R

The Transfer Petition has been filed by the wife seeking to transfer case in I.A.No.28/2014 in unnumbered H.M.O.P on the file of Sub Court, Maduranthagam, filed by the respondent/husband to the Sub Court, Chidambaram, as the petitioner is residing along with her parents in Chidambaram.

2. The marriage between the petitioner and the respondent was solemnised on 15.09.2013 at Melmaruvathur. After the marriage, dispute arose between the parties and therefore they have been living separately from January 2014 onwards. In the meanwhile, the respondent/husband filed the above unnumbered petition and therefore to transfer the I.A.No.28/2014 in unnumbered H.M.O.P. on the file of Sub Court, Maduranthagam to the Sub Court, Chidambaram, the above Transfer Petition has been filed.

3. When the matter was called up today, both the parties are present before the court along with their respective father. They categorically stated that they do not want to live together and they want to get divorce. They also filed a Joint Memo of Compromise signed by both the parties, counter-signed by their respective father

and the counsel for the parties. In view of the above development, no useful purpose will be served by keeping the proceedings pending. Therefore, this court suo motu withdraws I.A.No.28/2014 seeking permission to the respondent/husband to file H.M.O.P for divorce within one year from the date of marriage and the same is allowed to file the HMOP in view of the above development.

4. Since this court allowed the I.A.No.28/2014 for the reasons stated above, the trial court (Sub Court, Maduranthagam) is directed to number the HMOP on or before 10.07.2015 and the parties are directed to appear before the trial court on 15.07.2015 on which date the trial court shall dispose of the matter by granting divorce by consent as per the order passed by this court.

5. In view of the above development and settlement between the parties and also considering that the dispute is a family dispute, it is appropriate to comprehensively dispose of all the matters. C.C.Nos.96/2014 and 321/2014 filed at the instance of the petitioner which are pending before the Judicial Magistrate, Portonova, are hereby quashed in view of the above settlement.

With the above direction, the transfer petition is disposed of and the Joint Memo of Compromise is recorded. Consequently, the connected miscellaneous petition is closed.

asr

s/d-  
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Subordinate Judge, Maduranthagam

2. The Judicial Magistrate,  
Portonova.

+ 1 cc to Mr.K.G.Senthil Kumar, Advocate SR 32389

+ 1 cc to Mr.M.Sivavarthanan, Advocate SR 32354

tej(co)  
prk6/7

Tr.C.M.P. No.463 of 2014