

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17-2-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.CMP.No.526 of 2014

D.Thenmozhi

...Petitioner

Versus

D.Rajmohan

...Respondent

This petition is filed under Section 24 of C.P.C. to withdraw the petition in H.M.O.P.No.312 of 2014 from the file of the Family Court, Dindugal and transfer the same to Family Court, Erode to be tried along with H.M.O.P.No.439 of 2013.

For Petitioner : Mr.M.Easan

For Respondent : Mr.Gnanavinothan
for Mr.V.Nicholas

ORDER

The wife is before this Court seeking transfer of H.M.O.P.No.312 of 2014 from the file of Family Court, Dindugal to the Family Court, Erode to be tried along with H.M.O.P.No.439 of 2013. The petitioner and the respondent got married on 2.11.2012 at the Registrar Office, Tirunelveli. Though the petitioner's parents did not accept the marriage initially, thereafter accepted it.

2. However, due to some disputes the petitioner and the respondent are living separately. The petitioner filed divorce petition in H.M.O.P.No.439 of 2013 on the file of the Family Court, (Principal Sub-Court), Erode. Whereas the respondent-husband has filed HMOP.No.312 of 2014 on the file of the Family Court, Dindigul for

restitution of conjugal rights.

3. Considering the age of the parties, this court directed both the parties to be present before this Court to ascertain whether they want to reunite or to get divorce. On 16.2.2015, both the parties were present in chamber and after conciliation both the parties agreed to dissolve the marriage by mutual consent. The petitioner along with her mother and the respondent are present. They categorically stated that they want divorce and they are not interested in reunion. The joint compromise affidavit dated 16.2.2015 sworn by both the parties and counter signed by their respective counsels on 17.2.2015 has been filed.

4. Paragraph-4 of their joint compromise affidavit reads as follows:

"4. We submit that, while the facts remain so we decided to compromise between us and therefore we jointly file this compromise affidavit as follows:

a. The marriage between us may be dissolved by mutual consent.

b. We give up our right of maintenance both present and future, and such there is no claim subsisting against each other.

c. There is no child born due to the wedlock, as such there is no maintenance of claim in present or future."

4. In view of the above developments, the statements made in the joint compromise affidavit filed by both the parties, no useful purpose will be served by keeping both H.M.O.P.439 of 2013 and H.M.O.P.No.312 of 2014 unnecessarily pending.

5. In view of that H.M.O.P.No.439 of 2013 and H.M.O.P.No.312 of 2014, which were filed before the Family Court, Erode and Family Court, Dindigul are withdrawn and divorce is granted in HMOP.No.439 of 2013. In view of granting divorce H.M.O.P.No.312 of 2014 filed by the husband stands dismissed.

WEB COPY

6. With the above the transfer petition No.526 of 2014 is disposed of. No costs. Consequently the connected M.P.No.1 of 2014 is closed.

Sd/-
Assistant Registrar(R)

//True Copy//

Sub Assistant Registrar

vk

To

1.Family Court,
(Principal Sub-Court)
Erode

2.The Principal Subordinate Court,
Erode.

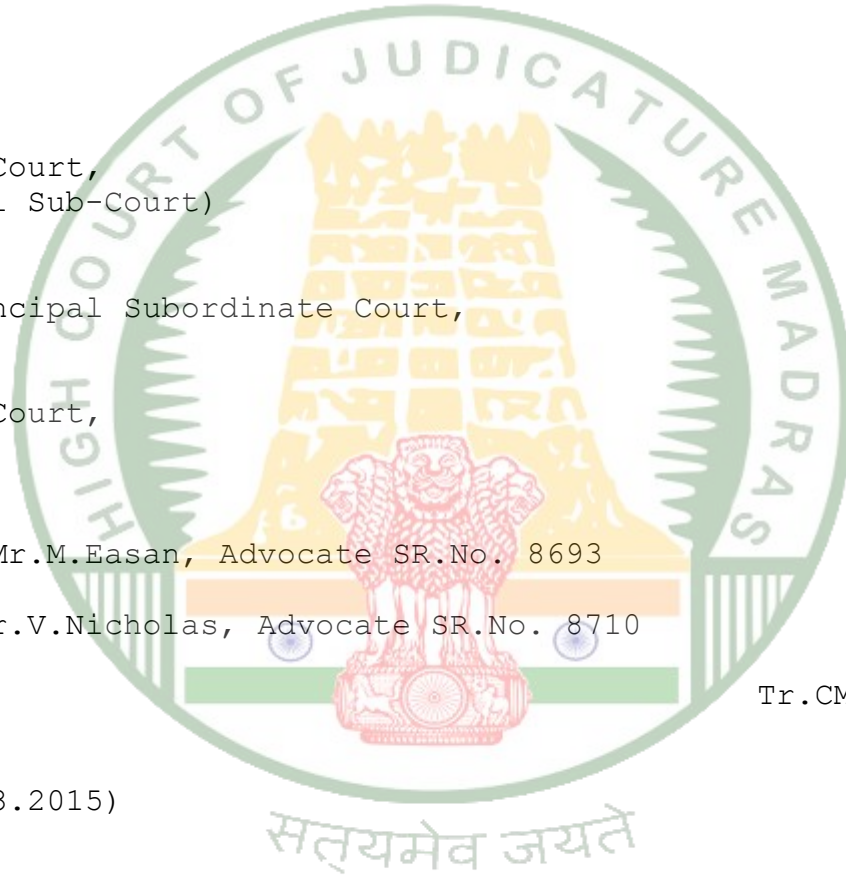
3.Family Court,
Dindigul.

3 CCs to Mr.M.Easan, Advocate SR.No. 8693

1 CC to Mr.V.Nicholas, Advocate SR.No. 8710

Tr.CMP.No.526 of 2014

SR (CO)
PSI (24.03.2015)



WEB COPY