

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-06-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Tr.C.M.P. No. 676 of 2014

and

M.P. No. 1 of 2014

Ajitha Mary

.. Petitioner

Versus

Arul Samuel

.. Respondent

Petition filed under Section 24 of the CPC praying to withdraw the petition in G.W.O.P. No. 448 of 2014 on the file of IV Additional District Judge, Thirunelveli and transfer the same to the Family Court, Chennai.

For Petitioners : Mr. C. Veeraraghavan
For Respondent : Mr. S. Kadarkarai

ORDER

This Transfer Civil Miscellaneous Petition was referred for mediation to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.

2. A communication dated 02.06.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 24.04.2015 has been received, wherein it is stated as follows:-

"Both the parties appeared before the Centre along with their Counsel. Matter has been settled between them as per the terms cited in the Mediation Agreement enclosed. Hence, the matter is sent back to the Hon'ble Court."

3. As the parties have arrived at a settlement in terms of the agreement entered into between them, this Transfer Civil Miscellaneous Petition is listed for passing an order in terms of the settlement.

4. The Memorandum of Compromise dated 24.04.2015 has been entered into between the petitioner and the respondent. The memorandum of compromise has been duly signed by the parties in the presence of witnesses which reads as follows:-

'1. Both parties agree that a joint application for divorce by mutual consent will be filed before the concerned Family Court

2. Respondent/Husband is willing to settle five cents of land situated at City View Nagar near Munneerpalam Village, Tirunelveli District in the name of the minor A. Sajin Immanuvel Raj by registered document and deposit Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand)

in fixed deposit in the name of minor A. Sajin Immanuvel Raj and the said amount shall be in the fixed deposit till he attains majority

3. Petitioner/wife shall retain the custody of the minor A. Sajin Immanuvel Raj and the respondent will be given right of visitation twice in a month

4. The petitioner agrees to return the Tahli and Chain to the respondent

5. The respondent agrees to withdraw the G.W.O.P. No. 448 of 2014 on the file of the Family Court, Tirunelveli

6. The respondent agrees to give a sum of Rs.50,000/- (Rupees Fifty Thousand Only) by way of cash to the petitioner

7. Parties agree that they have no further claim against each other.

5. Having regard to the fact that the petitioner as well as the respondent have entered into a memorandum of compromise, in terms of the settlement arrived at between the parties which is recorded under the Mediation Agreement by the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras in its Report dated 24.04.2015, this Transfer Civil Miscellaneous Petition is disposed of recording the said compromise. The Mediation Agreement and the report of the Mediation Centre shall form part of this order.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

The IV Additional District Judge, Tirunelveli.

Mp(co)

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