

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

Tr.C.M.P. No. 797 of 2014

&

M.P. No. 1 of 2014

Mrs.P. Priyadharshini

... Petitioner

Vs.

S. Padmanabhan

... Respondent

Prayer: Petition to withdraw H.M.O.P. No. 147 of 2013 pending on the file of Principal Sub Judge, Chengalput and transfer the same to the Principal Judge, Family Court, Chennai, to be tried along with O.P. No. 3631 of 2013 pending on the file of the said Court.

For Petitioner : Ms.V. Ahalya for
M/s. DJ. Adinarayanan

For Respondent : Mr.P. Vasanth

O R D E R

The wife has come before this Court seeking transfer of H.M.O.P. No. 147 of 2013, filed by the respondent/husband, for restitution of conjugal rights, pending on the file of Principal Sub Judge, Chengalput, and transfer the same to the Principal Judge, Family Court, Chennai, to be tried along with O.P. No. 3631 of 2013, filed by the petitioner before the said Court to declare the marriage as null and void.

2. Both the parties were directed to appear before this Court and both the parties have stated that they are not interested in leading matrimonial life and they seek declaration of nullity of marriage on the ground of non-consummation of marriage. A memo of compromise dated 31.03.2015 signed by both parties and countersigned

by their respective counsel has been filed. In view of the above development, no useful purpose will be served in keeping H.M.O.P. No. 147 of 2013, filed by the respondent/husband, for restitution of conjugal rights, before the Principal Sub Judge, Chengalput and O.P. No. 3631 of 2013, filed by the petitioner before the Principal Judge, Family Court, Chennai, to declare the marriage as null and void, pending. Therefore, this Court withdraws both the cases and declares that the marriage between the petitioner/wife and the respondent/husband solemnized on 31.05.2012 is null and void on the ground of non-consummation of marriage.

3. In view of the above, H.M.O.P. No. 147 of 2013 filed by the respondent/husband for restitution of conjugal rights is closed. Similarly, M.C.No. 10 of 2013 filed by the petitioner/wife under Domestic Violence Act, pending before the Additional Family Court, Chengalput, is also closed. The memo of compromise filed by the petitioner and the respondent dated 31.03.2015 shall form part of the decree. The transfer C.M.P. is disposed of accordingly. No costs. Connected M.P. is closed.

Xerox Copy of Memo of Compromise is Enclosed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nv

To

1. The Principal Sub Court, Chengalput.
2. The Family Court, Chennai.
3. The Additional Family Court, Chengalput.

+1cc to Mr.P.Vasanth, Advocate, S.R.No.18189

+1cc to Mr.D.J.Adinarayanan, Advocate, S.R.No.18297

NM(CO)
CA(23/04/2015)

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