

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

Tr.C.M.P. No. 817 of 2014

&

M.P. No. 1 of 2014

Y.N. Idrees

...Petitioner

Vs.

1. Mrs.M.R. Safra Begum

2. Mr. Gulam Dastagir

...Respondents

Prayer: Petition to withdraw G.O.P. No. 1443 of 2014 pending on the file of I Additional Family Court, Chennai and transfer the same to any other competent Court.

For Petitioner : Mr.R. Prabhakaran

For Respondents : Mrs.Gajalakshmi Rajendran

O R D E R

The respondents herein filed O.P. No. 1443 of 2014 on the file of I Additional Family Court, Chennai, against the petitioner herein, seeking permanent custody of the minor children, namely, Mohammed Zulkifl, aged 10 years and Nuha Mariyam, aged 6 years, who are the grandchildren of the respondents. To transfer the said O.P., the present petition is filed by the respondents giving certain reasons.

2.The respondents are maternal grandparents of the minor children and the petitioner is the son-in-law of the respondents and father of the minor children. The respondents' only daughter, by name, G.S. Faheema got married to the petitioner herein on 30.01.2000 and after giving birth to two children, she died on 17.07.2013. Prior to the death of the said Faheema, the daughter of the respondents, the respondents and the petitioner, were living together and the respondents were looking after the minor children. After her death, disputes arose between the petitioner and the respondents and thereafter, the minors are being looked after by the petitioner/father. Hence, the respondents herein filed the above said O.P. seeking permanent custody, which was opposed by the petitioner herein.

3. When the matter is called today before this Court, both the parties are present and they stated that the matter has been settled and they have filed a Memo of Compromise dated 19.02.2015. As per the said Memo of Compromise, the custody of the minor children would be with the petitioner/father and the respondents/maternal grandparents shall have interim custody of the minor children every week from 5p.m on Saturday till 5 p.m on Sunday. Similarly, during Quarterly, Half-yearly and Annual Vacation, the petitioner shall leave the minor children with the respondents for the first one-third period of the vacation. The said agreed conditions are incorporated in paragraph No.3 of the Memo of Compromise.

4. This Court is satisfied with the statements made by the parties, who are present before Court and the Memo of Compromise filed by them. Finding that there is no point in keeping the main custody petition itself, namely, G.O.P. No. 1443 of 2014 pending, G.O.P. No. 1443 of 2014 on the file of I Additional Family Court, Chennai is withdrawn and disposed of by this order. The Memo of Compromise shall form part of the order. The Transfer C.M.P. stands disposed of accordingly. No costs. Connected M.P. is closed.

Enclosed herewith xerox copy of Memo of Compromise .

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

Nv

To

The I Addl. Family Court, Chennai.

+lcc to Mr.Gajalakshmi Rajendran, S.R.No.9570

AD(CO)
CA(27/02/2015)

Tr.C.M.P. No. 817 of 2014