

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16-3-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.CMP.No.119 of 2015

R.Vidyalakshmi

... Petitioner

Versus

M.Jaganathan

... Respondent

This petition is filed under Section 24 of C.P.C. to withdraw the proceedings in M.O.P.No.398 of 2014 pending on the file of Family Court at Puducherry and transfer the same to the file of Principal Family Court at Chennai for enquiry and disposal.

For Petitioner : Mr.G.Bala and Daisy

ORDER

The wife has come before this Court seeking transfer of M.O.P.No.398 of 2014 filed by the respondent/husband from the file of Family Court, Puducherry to the file of Principal Family Court at Chennai on the ground that she is working in Bangalore and it is very difficult for her to go to Pondicherry.

2. When the matter is called today, though the petitioner appeared along with her counsel the respondent appeared in person and they categorically stated that they have decided for divorce by mutual consent. It is represented by the respondent that he does not want to engage any counsel to represent on behalf of him.

3. A mutual compromise memo dated 16.3.2015 signed by both the parties and the counsel for the petitioner has been filed stating that there is incompatibility between the petitioner and the respondent and therefore, they decided to get divorce. A perusal of the contents made in M.O.P.No.398 of 2014 filed under Section 13(1) (i-a) of the Hindu Marriage Act 1955 would reveal that there has been misunderstanding between the petitioner and the respondent. It is stated in paragraph-6 of the divorce petition that from 01.09.2014 onwards both the petitioner as well as respondent have been living separately and therefore, there may not be any impediment to grant divorce by mutual consent.

4. Considering their young age, it would be appropriate to direct the parties to get divorce by mutual consent. It is evident that both the parties agreed to get separated by decree of divorce. Therefore, this Court withdraw M.O.P.No.398 of 2014 filed by the respondent/husband against the wife for divorce is withdrawn from the file of Family Court, Puducherry and decree of divorce is granted by this court based on the mutual compromise entered into between the parties.

5. By this court M.O.P.No.398 of 2014 on the file of Family Court, Puducherry is disposed of by granting divorce of the marriage between the petitioner and respondent. The transfer petition is dismissed. No costs.

Sd/-  
Assistant Registrar  
Dated:31.3.15

True Copy

Sub Assistant Registrar

To

1.The Family Court, Puducherry

2.The Principal Family Court at Chennai

+2 cc's to M/s.G.Bala & Daisy, Advocate,SR.14599.

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