



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 9.7.2015

Coram:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P.No.13 of 2015

Saranya

.. Petitioner

vs.

S.Sivanandham

.. Respondent

This Transfer C.M.P. has been filed to withdraw the H.M.O.P.No.3634 of 2014 pending on the file of the III Additional Family Court, Chennai, and transfer the same to Family Court, Sivagangai.

For Petitioner : Mr.S.Silambu Selvan

For Respondents : Mr.S.Hemanand

O R D E R

The petitioner/wife has come before this Court seeking to transfer H.M.O.P.No.3634 of 2014 filed by the respondent/husband for divorce dissolving the marriage between the petitioner and the respondent solemnised on 23.1.2013. Though they got married on 23.1.2013, due to some disputes, they are living separately for the past two years. Thereafter, the respondent filed H.M.O.P.No.3634 of 2014 before the IIIrd Additional Family Court, Chennai. The said petition is sought to be transferred by the petitioner/wife to the file of the Family Court, Sivagangai, as she is residing along with her parents there.

2. Taking into consideration the young age of the parties, this Court directed both the husband and the wife to be present before this Court. After successful mediation done by the respective counsels for the parties, the parties have settled the matter by which the petitioner and the respondent agreed to dissolve the marriage by mutual consent.

3. When the matter was called today, both the parties are present. The petitioner's parents are present. The respondent's uncle is present and they categorically stated that the petitioner and the respondent cannot live together and therefore seek divorce by mutual consent. They also filed a joint memo of compromise signed by both



the parties, countersigned by the petitioner's father and the respondent's paternal uncle and also the respective counsels. As a full time settlement, the petitioner paid a sum of Rs.5,00,000/- through the demand draft, Indian Overseas Bank, Mannivakkam Branch, drawn in favour of the petitioner herein and the same is received by the petitioner/wife from the respondent/husband.

4. In view of the above development, no useful purpose would be achieved by keeping H.M.O.P.No.3634 of 2014 on the file of the IIIrd Additional Family Court, Chennai, and therefore, exercising powers under Article 227, suo motu, this Court withdraws H.M.O.P.No.3634 of 2014 and grants divorce by mutual consent under Section 13(b) of the Hindu Marriage Act as per the memo of compromise filed before this Court.

5. Technicality should not defeat the rights of the parties. When the parties decided to settle the matter and to dissolve the marriage, the parties should not be driven to the trial Court seeking the relief and therefore, the decree of divorce is granted in H.M.O.P.No.3634 of 2014 by dissolving the marriage dated 23.1.2013 by mutual consent. The allegations against each of the parties are not pressed by the parties.

6. The Transfer Civil Miscellaneous Petition is disposed of in the above terms. No costs. Connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

lan

To:

1. III Additional Family Court, Chennai,

2. The Judge, Family Court, Sivagangai.

1 cc to Mr.S.Silambu Selvan , Advocate Sr.No.35349

1 cc to Mr. S.Hemanand, Advocate Sr.No.34844

Tr.C.M.P.No.13 of 2015

lrs(co)
pmk.4.8.12015