

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22-4-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P.No.177 of 2015

Janardhanan

... Petitioner/Respondent

Versus

Chamundeshwari @ Preethi

... Respondent/Petitioner

This petition is filed under Section 24 of C.P.C. to withdraw and transfer H.M.O.P.No.4 of 2015 on the file of Subordinate Judge, Valliyoor to the Principal Family Court, Chennai.

For Petitioner : Mr.K.S.Jeyaganeshan
For Respondent : Mr.Beulah John Selvaraj

ORDER

The husband is the petitioner before this Court seeking to transfer H.M.O.P.No.4 of 2015 filed by the respondent-wife on the file of Sub-Judge, Valliyoor to Family Court, Chennai.

2. Considering the young age, both the parties were directed to appear before this Court and were suitably advised to settle the matter. With the able guidance of both the learned Counsels, the parties have arrived at a compromise.

3. When the matter is called today, both the parties along with their parents accompanied by their respective counsels are present and they categorically stated that they want to get separated mutually.

4. In view of the above development, no useful purpose will be served by merely disposing of the transfer petition and the petition for restitution of conjugal rights. Though the respondent filed the petition under Section 9 of the Hindu Marriage Act 1955, for restitution of conjugal rights, in view of the memo of compromise dated 22.4.2015 filed by the parties, wherein it has been categorically stated that they are agreeing for divorce mutually, H.M.O.P.No.4 of 2015 on the file of the Subordinate Judge, Valliyoor,

filed by the respondent-wife under Section 9 of the Hindu Marriage Act is transposed as a petition filed under Section 13B of the Hindu Marriage Act 1955, invoking Article 227 of the Constitution of India and Section 151 C.P.C..

5. Though the marriage was solemnised on 02.02.2014, the petition for restitution of conjugal rights was filed only in 2015 and one year has gone and therefore, there would not be any impediment to grant divorce mutually. In any event, taking into consideration of the memo of compromise dated 22.4.2015 and the statements made by the parties before this Court, interest of justice requires to grant divorce by mutual consent.

6. In view of that as stated above, H.M.O.P.No.4 of 2015 on the file of the Subordinate Judge, Valliyoor, filed under Section 9 of the Hindu Marriage Act 1955, is treated as a petition under Section 13B of the Hindu Marriage Act, 1955 and decree of divorce by mutual consent is hereby granted by moulding the prayer. By this order, H.M.O.P.No.4 of 2015 is disposed of. The memo of compromise signed by both the parties and counter signed by both the counsels, shall form part of this order.

7. The above transfer petition is disposed of. No costs. Consequently the connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vk

To

The Subordinate Judge, Valliyoor.

+ 1 cc to Mr.N.Beulah John Selvaraj, Advocate Sr.22063

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JSV(CO)

Eu 09.06.15