

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 9.4.2015

CORAM

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P.No.225 of 2015

and

M.P.No.1 of 2015

Dr.Parisa Nourouzi Baghkomeh

Petitioner

vs.

Dr.Siva Sai Krishna

Respondent

Petition to withdraw the petition in D.V.No.33 of 2013 from the file of the Judicial Magistrate, Ambattur (Domestic Violence) to transfer the same to the Principal Judge, Family Court, Chennai for joint disposal with O.P.No.4844 of 2013.

For petitioner : Mr.R.Maheswari

For Respondent : Mr.V.S.Venkatesh

ORDER

Wife has come before this court seeking transfer of petition in D.V.No.33 of 2013 on the file of the learned Judicial Magistrate, Ambattur filed by the petitioner herself to the file of the III Additional Judge, Family Court, Chennai (inadvertently stated as Principal Judge, Family Court, Chennai, in the petition as mentioned by the learned counsel for the petitioner) to be tried alongwith O.P.No.4844 of 2013 filed by the petitioner for divorce against the respondent/husband.

2. Heard Mrs.R.Maheswari, learned counsel appearing for the petitioner and Mr.V.S.Venkatesh, learned counsel appearing for the respondent.

3. Taking into consideration that the dispute is a family dispute and also considering the young age of the parties, this court directed both the parties to be present before this court and they are also present. It is seen that the marriage between the petitioner and the respondent which took place on 10.10.2012 at the Sub Registrar's Office, Konnur and celebrated in Chennai on 11.11.2012 was irretrievably broken down and many proceedings were initiated by the petitioner herein as under:-

- i) O.P.No.4844 of 2013 on the file of the III Additional Judge, Family Court, Chennai for divorce;
- (2) M.C.No.147 of 2014 on the file of the III Additional Judge, Family Court, Chennai for maintenance;
- (3) D.V.No.33 of 2013 on the file of the Judicial Magistrate, Ambattur; and
- (4) C.C.No.1629 of 2014 on the file of the X Metropolitan Magistrate, Egmore.

4. After appearance, both the parties were conciliated with the active co-operation of the respective counsel and the parties decided to dissolve the marriage by mutual consent. Both the parties categorically stated before this court that they intend to dissolve the marriage by mutual consent and they filed a memo of compromise dated 9th April 2015 signed by both the parties and counter signed by their respective counsel. The petitioner's mother is also present before this court. She also expressed that it is not possible for the petitioner to live with the respondent. Respondent's mother, who is also present before this court, expressed the same sentiment.

5. Though transfer petition has been filed, because of the above development, this court is of the view that no useful purpose will be served in keeping all the matters pending unnecessarily. Therefore, this court grants divorce to the petitioner and the respondent dissolving the marriage solemnized on 10.10.2012 by withdrawing O.P.No.4844 of 2013 from the file of the III Additional Family Court, Chennai and disposing of the same by this order.

6. In view of the above settlement, the purpose of keeping the other proceedings also became infructuous. Therefore, the proceedings in M.C.No.147 of 2014 on the file of the III Additional Judge, Family Court, Chennai for maintenance; D.V.No.33 of 2013 on the file of the Judicial Magistrate, Ambattur; and C.C.No.1629 of 2014 on the file of the X Metropolitan Magistrate, Egmore are dismissed. The Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

To

1. III Additional Judge,
Family Court, Chennai.
2. X Metropolitan Magistrate,
Egmore.
3. Judicial Magistrate, Ambattur.

4. Principal Judge, Famil Court, Chennai.

+ 5 ccs to Mr.V.S.Venkatesh, Advocate SR.19589
+ 1 cc to Mr.R.Maheswari, Advocate SR.19629

TEJ(CO)
EU 23.04.2015

Tr.C.M.P.No.225 of 2015



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