

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:6-7-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.CMP.No.250 of 2015

Shri K.Shivakumar

...

Petitioner

Versus

Dr.(Smt.)Kamalavalli Shivakumar

....

Respondent

This petition is filed under Section 24 of C.P.C. to withdraw and transfer the Hindu Marriage Original Petition (HMOP) No.117 of 2014 pending on the file of Subordinate Judge's Court, Hosur to the file of Family Court (Sub-Court) at Poonamallee, Chennai and to be tried along with HMOP.No.494 of 2014 pending on the file of the later court or any other court.

For Petitioner : Mr.B.Sathish Sundar

For Respondent : Mr.K.Jenitha

ORDER

The husband has come before this Court seeking to transfer HMOP.No.117 of 2014 pending on the file of Subordinate Judge, Hosur filed by the respondent for divorce to the file of Sub-Court, Poonamallee, where H.M.O.P.No.494 of 2014 filed by the petitioner for restitution of conjugal rights is pending.

2. Considering the young age, parties were directed to be present before this Court and the matter was referred to Mediation Center. In spite of best efforts by the learned counsel for both the parties, the mediation failed. Therefore, both the parties decided to get divorce dissolving the marriage solemnised on 3.6.2011 between the petitioner and the respondent without insisting the allegations made against each other.

3. When the matter is called today before this Court, both the parties accompanied by their respective father and counsel are present before this Court. Both the parties as well as their respective parents have categorically stated that it is impossible for the spouses to live together and decided to get divorce by mutual consent.

4. A joint memo signed by the petitioner as well as respondent and counter signed by their respective fathers and their respective counsels dated 6.7.2015 has been filed agreeing to get divorce by mutual consent.

5. In view of the above development, no useful purpose will be achieved by keeping HMOP.No.117 of 2014 filed by the respondent before the Sub Court, Hosur for divorce. Instead of driving the parties to go and appear before the Trial Court, this Court, exercising its powers under Article 227 of the Constitution of India withdraws HMOP.No.117 of 2014 and based on the above circumstances, grants decree of divorce dissolving the marriage solemnised on 3.6.2011 between the petitioner and the respondent by mutual consent under Section 13(b) of the Hindu Marriage Act. Since the decree of divorce is granted in HMOP.No.117 of 2014 on the file of the Sub Court, Hosur, HMOP.No.494 of 2014 on the file of the Family Court (Sub Court) Poonamallee filed by the petitioner/husband has become unnecessary and accordingly the same is withdrawn and dismissed by this order.

6. The joint memo of compromise filed by the parties would form part of the records. The transfer petition is disposed of along with HMOP.No.117 of 2014 pending on the file of the Sub-Court, Hosur, and HMOP.No.494 of 2014 pending on the file of the Family Court (Sub-Court) Poonamallee in the above manner. The parties are hereby undertakes not to complaint each other anywhere hereafter in future as they is no longer husband and wife relationship between them.

6. The petition is disposed of accordingly. No costs. Consequently the connected M.P.No.1 of 2015 is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vk

To:

- 1.The Sub-Judge, Family Court, Poonamallee
- 2.The Sub Court, Hosur.

+2 cc to Mr.B.Sathish Sundar, Advocate, vide, sr.33482

+1 cc to Mr.A.Malath Devapriya, Advocate, vide, sr.33874

Tr.CMP.No.250 of 2015

cnr(co)

kra(05/08)