

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P.No.353 of 2015
& M.P.No.1 of 2015

K.Jonahs Premkumar
@ Benjamin Jonahs Premkumar .. Petitioner

Vs.

Mrs.D.Hephzibah Elizabeth .. Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code to withdraw IDOP No.568 of 2015 from the file of the Family Court, Coimbatore, and to transfer the same to the I Additional Family Court, Chennai, to be tried along with O.P.No.4195 of 2014, which is already pending on its file.

For Petitioner : Mr.J.Thilagaraj
For respondent : Mr.K.Elango

ORDER

The petitioner/husband has come before this Court seeking to transfer IDOP No.568 of 2015 filed by the respondent/wife from the file of the Family Court, Coimbatore, to the file of I Additional Family Court, Chennai, where he has already filed O.P.No.4195 of 2014 seeking divorce.

2. The marriage of the petitioner and the respondent was solemnized on 25.05.2011. After their marriage, a dispute arose between them and they have been living separately for about four years. The petitioner/husband has filed O.P.No.4195 of 2014 before the learned I Additional Family Court, Chennai and the respondent/wife has filed I.D.O.P.No.568 of 2015 before the Family Court, Coimbatore. Now, the petitioner/husband has filed the present petition seeking to transfer IDOP No.568 of 2015.

3. When the matter is called, both the parties, accompanied by their respective father are present. They categorically stated that it is not possible for the couples to get re-united and they are agreeable for divorce by mutual consent. They have also filed joint Memo of Compromise duly signed by the petitioner and the respondent, countersigned by the respective fathers and the learned counsel on either side.

4. In view of the categorical declaration made by the parties before this Court and also joint memo filed by the parties agreeing for grant of a decree of divorce by mutual consent, no useful purpose will be achieved by keeping the petitions filed by the parties for divorce pending. Since both the petitioner and the respondent sought divorce, this Court in exercise of the powers conferred under Article 227 of the Constitution of India grants a decree of divorce by mutual consent under Section 13(b) of the Hindu Marriage Act in O.P.No.4195 of 2014 filed by the petitioner/husband before the I Additional Family Court, Chennai and in I.D.O.P.No.568 of 2015 filed by the respondent/wife before the Family Court, Coimbatore stand dismissed in view of the decree of divorce granted in O.P.No.4195 of 2014, dissolving the marriage between the petitioner and the respondent on 25.05.2011. Further, it is made clear that both the parties consented to withdraw the allegations made against each other. A decree of divorce is therefore granted by consent in O.P.No.4194 of 2014 under Section 10-A of the Divorce Act 1869.

5. The above transfer Civil Miscellaneous petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

raa

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Judge, I Additional Family Court, Chennai.
 2. The Judge, Family Court, Coimbatore,
- + 2 ccs to M/s.J.Thilagaraj, Advocate SR 34461
+ 1 cc to M/s.K.Elango, Advocate SR 34234

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