

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

TR.C.M.P. No. 384 of 2015

&

M.P. No. 1 of 2015

Mrs. Pavithra

..Petitioner

Vs.

R. Mohanram

...Respondent

Prayer: Petition to withdraw the H.M.O.P. No. 1568 of 2015 pending on the file of 1st Additional Family Court, Chennai and transfer the same to be tried in Hon'ble Sub Court, Hosur, Krishnagiri District.

For Petitioner :: Mr.Mukund R. Pandiyan

For Respondent :: Mr.P. Prinze Premkumar

O R D E R

This transfer petition is filed to withdraw H.M.O.P. No. 1568 of 2015 pending on the file of 1st Additional Family Court, Chennai and transfer the same to be tried in Sub Court, Hosur, Krishnagiri District.

2. The petitioner got married to the respondent on 19.03.2014. After the marriage, disputes arose between the petitioner and the respondent and they are living separately thereafter. Hence, the respondent/husband filed H.M.O.P. No. 1568/2015 before the I Additional Family Court, Chennai, seeking dissolution of the marriage between the petitioner and the respondent by decree of divorce on the ground of cruelty. The said H.M.O.P. is sought to be transferred to Sub Court, Krishnagiri by the petitioner on the ground that she is residing in Hosur jurisdiction.

3. Taking into consideration, the young age of both parties, this Court directed both parties to be present before this Court. After appearance, both the parties were conciliated by the learned counsel for the respective parties and they were successful in mediating the matter.

4. When the matter is called today before this Court, both the parties are present and they categorically stated that they are not interested in reunion. Along with the petitioner and the respondent, their respective fathers are present before this Court and they also agreed that it is impossible for the spouses to live together. A memo of compromise dated 03.09.2015 signed by the respective parties and their fathers, countersigned by the respective counsel, has been filed stating that the petitioner and the respondent are not interested in reunion. It is also submitted by both parties that the articles have already been exchanged. Further, as per the arrangement, the respondent agreed to pay a sum of Rs. 7 lakhs to the respondent, towards permanent alimony, which amount has been paid to the petitioner through three Demand Drafts, bearing Nos. "000730", for a sum of Rs.2 lakhs, "000731" for a sum of Rs.2 lakhs and "000732" for a sum of Rs.3 lakhs, drawn on HDFC Bank. The petitioner has also made an endorsement for receipt of the Demand Drafts in the court bundle.

5. In view of the above development, no useful purpose will be served by keeping the transfer petition as well as H.M.O.P. No. 1568 of 2015 pending before the I Additional Family Court, Chennai. Therefore, exercising powers under Article 227 of the Constitution of India, this Court withdraws H.M.O.P. No. 1568 of 2015 and grants a decree of divorce in the said O.P. under Section 13(b) of Hindu Marriage Act dissolving the marriage between the petitioner and the respondent dated 19.03.2014 by moulding the relief. The memo of compromise filed by the parties shall form part of the decree. The transfer petition is disposed of on the above lines. No costs. Connected M.P. is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

nv

To
The Judge, I Additional Family Court, Chennai.

+1 cc to Mr.Mukund R. Pandiya, Advocate, sr.47453

+2 ccs to Mr.Prinze Premkumar, Advocate, sr.47544

Tr.C.M.P. No. 384 of 2015

jv co, kra 23/09