

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

TR.C.M.P. No. 462 of 2015

&

M.P. No. 1 of 2015

T. Mahalingam

..Petitioner

Vs.

M. Rajeswari

..Respondent

Prayer: Petition to withdraw the case in H.M.O.P. No. 763 of 2012 pending on the file of Hon'ble I Additional Family Court, Chennai and transfer the same to any other Family Court in Chennai.

For Petitioner :: Mr.C.P. Palanichamy

For Respondent :: Mr.N. Sureshkumar

O R D E R

The husband is before this Court seeking transfer of H.M.O.P. No. 763 of 2012 filed by him before the I Additional Judge, Family Court, Chennai to any other Family Court, Chennai.

2. The petitioner got married to the respondent on 29.08.2003 and out of the wedlock, a son was born to them on 13.05.2006. After some time, disputes arose between the petitioner and the respondent and both the parties started living separately from 09.01.2007 onwards. The petitioner filed H.M.O.P. No.525 of 2007 for restitution of conjugal rights before the Family Court, Chennai and subsequently, the said O.P. was withdrawn. Thereafter, the petitioner again filed H.M.O.P. No. 763 of 2012 before the Family Court, Chennai, on 03.02.2012 for a decree of divorce on the ground of cruelty by dissolving the marriage between him and the respondent that took place on 29.08.2003. However, stating certain difficulties in conducting the case before the I Additional Family Court, Chennai, the husband is before this Court by way of this transfer petition.

3. Taking into consideration, the interest of the child, this Court directed both the parties to be present before this Court. After appearance, with the active co-operation of both counsel, the matter has been conciliated between the parties, and the matter has been settled.

4. Today, when the matter is called, both the parties are present before this Court and they categorically stated that they are not interested in reunion. A joint memo of compromise dated 04.09.2015 signed by both parties and countersigned by the respective counsel has been filed. The petitioner/husband has also paid a sum of Rs. 9 lakhs to the respondent/wife towards permanent alimony and the respondent/wife, who is present before this Court also agreed that she received the aforesaid amount in cash. Out of the said sum of Rs. 9 lakhs, a sum of Rs.4 lakhs has been deposited in the name of the minor son.

5. In view of the categorical statement made by the parties that they are not interested in reunion and the joint memo of compromise filed by both the parties, no useful purpose will be achieved by keeping H.M.O.P. no. 763 of 2012 pending before the I Additional Family Court, Chennai. Hence, exercising powers under Article 227 of the Constitution of India, this Court, suo motu, withdraws H.M.O.P. No. 763 of 2012 and grants a decree of divorce dissolving the marriage between the petitioner and the respondent, which took place on 29.08.2003, under Section 13(b) of Hindu Marriage Act, by mutual consent, as the parties mutually agreed for divorce. The memo of compromise shall form part of the decree. The transfer petition is disposed of on the above lines. No costs.

Sd/-  
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

The I Addl. Family Court, Chennai.

+1cc to Mr.S.Shankar, Advocate SR.47915

+1cc to Mr.N.Suresh kumar, Advocate SR.47883

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srg 29.09.2015

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