



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24-7-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.CMP.Nos.78 and 77 of 2015

Fathima Farzana

... Petitioner (in both)

Versus

A.Ameer Abdullah

... Respondent (in both)

Tr.CMP.No.78 of 2015

This petition is filed under Section 24 of C.P.C. to withdraw the O.P.No.3253 of 2015 from the file of I Additional Family Court, Chennai and transfer the same to the Family Court at Madurai.

Tr.CMP.No.77 of 2015

This petition is filed under Section 24 of C.P.C. to withdraw the O.S.No.106 of 2013 from the file of I Additional Family Court, Chennai and transfer the same to the Family Court at Madurai.

For Petitioner : Mr.P.Rajkumar Pandian
For Respondent : Mr.S.Jayaselan

ORDER

The transfer petition has been filed by the wife seeking to transfer O.P.No.3253 of 2013 seeking custody of the child, filed by the respondent before the I Additional Family Court, Chennai,

2. This petition has been filed by the petitioner seeking to transfer O.S.No.106 of 2013 pending on the file of the I Additional Family Court, Chennai filed by the respondent seeking declaration of the petitioner's second marriage dated 28.1.2013 as null and void and to transfer O.P.No.3253 of 2015 seeking order of custody of minor daughter Mumtaj Farnaz, filed by the respondent before the same court to the file of Family Court, Madurai, where the suit O.S.No.51 of 2014 filed by the petitioner seeking for declaration that the dissolution of marriage of the petitioner with the respondent dated 26.5.2002 dissolved by Abiramam Muslim Jamath, Big Pallivasal dated



14.5.2012 is valid and the marriage dated 28.1.2013 between the petitioner and M.Abdul Hameed as per Muslim Rites and Customs as null and void is pending.

3. When the matter is called before this Court both the parties appeared along with their minor daughter. Both the parties categorically stated that the issue between them has been settled and a joint memo of compromise signed by them and the counter signed by their respective counsel is filed. As per the memo of compromise, the respondent agreed to withdraw O.S.No.106 of 2013 and O.P.No.3253 of 2013 pending on the file of the I Additional Family Court, Chennai and the petitioner agreed to for visiting rights of respondent regarding their minor daughter Mumtaj Farnaz. Similarly, the respondent has got no objection in decreeing the suit filed by the petitioner in O.S.No.51 of 2014 before the Family Court, Madurai.

4. In view of the categorical statements made by the parties, appearing before this court and the memo of compromise filed by them, no useful purpose would be achieved by keeping the proceedings before the court below. This Court passes the following orders:

1. Therefore, O.S.No.51 of 2014 filed by the petitioner before the Family Court, Madurai stands decreed as the respondent has got no objection in decreeing the suit.

2. O.S.No.106 of 2013 and O.P.No.3253 of 2013 pending on the file of the I Additional Family Court Chennai are not pressed by the petitioner and the said suits stand dismissed.

3.As the respondent agrees for visiting rights of the petitioner regarding their minor child, the respondent shall have the visiting rights of his daughter Mumtaj Farnaz at her school namely, Rahumania Matriculation Higher Secondary School at Kamuthi with prior intimation with its Head Master or if the child has been admitted in any other school, with prior permission of the conerned Head Master of that school and the petitioner shall have no objection for visiting rights of the respondent.

4. In view of settlement of the entire issue, there is no marital relationship between the petitioner and the respondent. The allegations made by the parties against each other stand withdrawn.

5. Therefore, the O.S.No.51 of 2014 pending on the file of the Family Court Madurai stands decreed. O.P.No.3253 of 2013 pending on the file of the I Additional Family Court, Chennai stands dismissed as withdrawn by the respondent.

5. By order dated 2.7.2015, this Court allowed the transfer petition No.77 of 2015. In view of the settlement arrived at by the parties, the order dated 2.7.2015 passed in Tr.C.M.P.No.77 of 2015 has to be recalled and accordingly is recalled and Tr.C.M.P.No.77 of 2015 is disposed of by this order. The Tr.C.M.P.Nos.77 and 78 of 2015



are disposed of accordingly. No costs. Consequently the connected M.P.Nos.1 and 1 of 2015 are closed.

WEB COPY

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

vk

To
1.I Additional Family Court, Chennai.

2.The Family Court,
Madurai

+2 cc to Mr.P.Rajkumar Pandian Advocate sr.38461
+1 cc to Mr.S.Jayaseelan Advocate sr.38158

Tr.CMP.Nos.78 and 77 of 2015

aa26/08/2015