

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.142 of 2017

and

C.M.P.No.2543 of 2017

P.Senthilnathan

... Petitioner

Versus

Moogambiga @ Nivethitha

...Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the case on the file of Hon'ble Principal Family Judge, Coimbatore in HMOP No.102 of 2013 and transfer the same to the Hon'ble Subordinate Judge, Ambasamudram, Tirunelveli District.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.K.Subbu Ranga Bharathi

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner/husband seeking to withdraw H.M.O.P.No.102 of 2013 from the file of Principal Family Judge, Coimbatore and transfer the same to the file of Subordinate Judge, Ambasamudram, Tirunelveli District, to try along with H.M.O.P.No.8 of 2013.

2. Today, both the parties along with their respective counsels are present, before this Court. A Joint Memo of Compromise, dated 27.11.2017 signed by both the parties and their respective counsels is filed. The parties before the Court have admitted the terms of compromise to be true, valid and correct.

3. After some deliberations, the parties agreed for a divorce by mutual consent. There are several criminal proceedings pending between them in various police stations and Courts and Criminal Original Petitions are also pending before the Madurai Bench of this Court for quashing of the same.

4. As per the Joint Memo of Compromise, the parties have agreed either to record a Compromise in the pending O.P. or to file a petition under Section 13 (b) for dissolution of marriage by mutual consent. The petitioner/husband also paid a sum of Rs.27,00,000/- (Rupees Twenty Seven Lakhs) vide various demand drafts, as a permanent alimony to his wife and child, which is detailed below:

a) Demand Draft No.502738 dated 10.11.2017 for Rs.10,00,000/- (Rupees Ten Lakhs) drawn on ICICI Bank in favour of Moogambiga @ Nivethitha.

b) Demand Draft No.501548 dated 18.11.2017 for Rs.10,00,000/- (Rupees Ten Lakhs) drawn on ICICI Bank in favour of Rs.Moogambiga @ Nivethitha.

c) Demand Draft No.501560 dated 24.11.2017 for Rs.7,00,000/- (Rupees Seven Lakhs) drawn on ICICI Bank in favour of R.Moogambiga @ Nivethitha.

5. The wife/respondent also acknowledges the receipt of the same. It is also stated that the petitioner/respondent exchanged the articles and there is no further claims against each other for any of the articles or the jewels. As agreed by the parties, in paragraph 5 of the Joint Memo of compromise all the proceedings initiated by both of them against each other shall be withdrawn or quashed by appropriate Court. The respondent/wife also is desirous of filing a petition under the Guardian & Wards Act, 1890 seeking permanent custody of the minor child Shrinigha. The petitioner and respondent shall co-operate in getting the appropriate orders in the petitions to be filed. As per the Joint Memo of compromise, the petitioner/husband shall have the visitation rights during school holidays, by giving prior notice to the respondent/wife.

6. The said Joint Memo of Compromise form part and parcel of this order. The parties are directed to comply with the above terms and conditions of the compromise at the earliest and give quietus to the matters pending between them.

7. This Transfer Civil Miscellaneous Petition is disposed of in terms of Joint Memo of Compromise. No costs. Consequently, connected Miscellaneous Petition is closed.

8. For reporting compliance, post on 18.01.2017.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

arr

To

1.The Principal Family Judge, Coimbatore.

2.The Subordinate Judge, Ambasamudram,
Tirunelveli District.

+1 CC to Mr.K. Subbu Bharathi, Advocate sr 84907

+1 cC to Mr.S. Krishnan, Advocate sr 84927.

+1 CC to Mr.K. Subbu Bharathi, Advocate sr 84907(12/12/2017)

Tr.C.M.P.No.142 of 2017
and
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SP(07/12/2017)

सत्यमेव जयते

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