

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

TR.CMP No.843 of 2014

and

M.P.No.1 of 2014

P.A.Parveena Begum Petitioner/Petitioner

-Vs-

1.Mr.Nivas
S/o.Tajudeen

2.The Regional Passport Officer,
Trichy Respondents/Respondent

(R2 suo motu impleaded vide order of the Court dated 20.07.2015
made in Tr.CMP.No.843/2017)

Prayer:

Petition filed under Section 24 of C.P.C. to withdraw the
suit in O.S.No.170 of 2013 from the file of the learned District
Munsif, Pattukottai and transfer the same to the Principal
Family Court at Chennai.

For Petitioner : Mr.R.Abdul Mubeen

For Respondents: Mr.Rahman Sheriff, for R1
Mr.Su.Srinivasan,
Assistant Solicitor General of India
for R2

O R D E R

The present transfer petition has been filed by the wife to
transfer the suit in O.S.No.170 of 2013 filed by the
respondent/husband on the file of the learned District Munsif,
Pattukottai to the file of the Principal Family Court at
Chennai. The said suit was filed seeking for a declaration that
the marriage which took place between the petitioner and the
respondent on 14.02.2013 is not consummated and to grant a
decree of divorce dissolving the marriage dated 14.02.2013
between the petitioner and the first respondent.

2.The petitioner got married to the first respondent on 14.02.2013 and they lived together in Singapore. However, due to misunderstanding between the spouses, the petitioner returned to India within few weeks of marriage and thereafter, she has been living separately. It is alleged that the marriage is not consummated due to unwillingness of the petitioner and hence, the respondent filed the suit in O.S.No.170 of 2013 on the file of the learned District Munsif, Pattukottai. Since the petitioner is living at Chennai with her parents and it is very difficult for her to attend the proceedings before the Court at Pattukottai, the petitioner has come up with the present transfer petition seeking to transfer the said proceedings to the Principal Family Court at Chennai.

3.In the mean while, the petitioner has also preferred a Criminal complaint against the respondent and his family members and the same was registered as Crime No.11 of 2014 on the file of W-2, All Women Police Station, Anna Salai, Chennai. Challenging the said FIR, the first respondent and his family members have preferred Crl.O.P.No.1423/2017 before this Court and the same is pending.

4.Taking into consideration of the future of both the parties and based on the request of the elders of both the families, the matter was referred to mediation centre and before the mediation centre, it was agreed as follows:

- (a)The respondent shall pay a sum of Rs.6,00,000/- as full and final settlement;
- (b)The marriage dated 14.02.2013 could be dissolved;
- (c)The criminal complaint preferred by the petitioner is either to be quashed or withdrawn;

5.When the matter is called today, both the petitioner as well as the father of the respondent is present before this Court and they categorically stated that the issue between them has been solved and a sum of Rs.2,00,000/- is already paid to the petitioner by the respondent by way of Demand Draft on 20.03.2017 before the Mediation Centre. Further, a copy of the Memorandum of Understanding signed by the petitioner and the father of the first respondent before the Mediation Centre is submitted before the Court and the same is taken on file. Today, the learned counsel appearing on behalf of the respondent tendered two Demand Drafts dated 25.04.2017 and 03.06.2017, each for a sum of Rs.2,00,000/- drawn in favour of the petitioner and the same has been handed over to the learned counsel for the petitioner.

6. In view of the above development, this court is of the view that no useful purpose will be served by keeping the suit in O.S.No.170 of 2013 on the file of the learned District Munsif, Pattukottai pending. Hence, this Court exercising powers under Article 227 of the Constitution of India, suo motu withdraws the suit in O.S.No.170 of 2013 filed by the respondent/husband before the learned District Munsif, Pattukottai and by moulding the prayer, this court grants a decree of divorce by dissolving the marriage dated 14.02.2013 between the petitioner and the first respondent. It is made clear that there is no obligation on the part of either of the parties as the marriage is dissolved by this Court. Further, the memorandum of understanding dated 20.03.2017 shall form part of the order.

7. Similarly, the criminal proceedings initiated by the petitioner against the first respondent and his family members has to be quashed. However, since the CrI.O.P.No.1423/2017 is pending before this court, the order passed by this Court today could be produced before the concerned Court and an appropriate order can be obtained for quashing the FIR.

8. Thus, the present transfer petition is disposed of by granting a decree of divorce to the petitioner and the first respondent. Consequently, connected miscellaneous petition is closed. No costs.

(Joint Compromise memo Xerox copy enclosed)

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pgp

To

1. learned District Munsif, Pattukottai.
2. The Regional Passport Officer, RPO, Trichy/
3. The Principal Judge, Family Court, Chennai.

+ 1 cc to M/s. R. Abdul Mubeen, Advocate Sr.47500

+ 5 ccs to M/s. Rahman Sheriff, Advocate Sr.47093

Tr.CMP.No.843 of 2014

VGII(CO)

EU 1.8.17