

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.295 of 2016
and C.M.P.No.8033 of 2016

C.Preetha ... Petitioner/Respondent

Vs.

S.Dynesh Kumar ... Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the F.C.O.P.No.21 of 2016 on the file of the Hon'ble Family Court, Salem and transfer the same to the file of the Additional Family Court, Coimbatore and to be tried jointly along with M.C.No.16 of 2016.

For Petitioner : Mr.L.Mouli

For Respondent : Mr.V.Lakshminarayanan

O R D E R

This petition is filed to withdraw the F.C.O.P.No.21 of 2016 on the file of the Hon'ble Family Court, Salem and transfer the same to the file of the Additional Family Court, Coimbatore and to be tried jointly along with M.C.No.16 of 2016.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 04.06.2015 as per Hindu rites and customs. Due to difference of opinion arose between the petitioner and respondent, both of them are living separately from 13.08.2015. Both the parties have initiated number of proceedings with regard to marriage and also criminal cases. The petitioner/wife has filed the present Tr.CMP.No.295 of 2016 to transfer F.C.O.P.No.21 of 2016 from the file of Family Court, Salem, to the file of Additional Family Court, Coimbatore and to be tried along with M.C.No.16 of 2016.

3. When the matter was taken up for hearing, the petitioner and her parents and respondent and his father appeared before this Court and submitted that by intervention of friends and relatives, all the matters between the petitioner and respondent were settled amicably. The petitioner and respondent submitted that there is no possibility of living together as husband and wife and prayed

for dissolving the marriage conducted on 04.06.2015. Both the petitioner and respondent filed memo of compromise dated 07.07.2015. The parties along with the parents of the petitioner and father of the respondent appeared before this Court and submitted that they have signed the memo of compromise voluntarily without any compulsion and coercion by any body.

4. Being satisfied that the matter has been amicably settled, memo of compromise is recorded. F.C.O.P.No.21 of 2016 pending before the Family Court, Salem and H.M.O.P.No.694 of 2016 and M.C.No.16 of 2016 pending on the file of Additional Family Court, Coimbatore are ordered to be withdrawn to the file of this Court by invoking power under Article 227 of the Constitution of India. H.M.O.P.No.694 of 2016 on the file of the Additional Family Court, Coimbatore filed by the wife for divorce is treated as petition under Section 13B of Hindu Marriage Act and decree is granted by mutual consent of both the parties. All other petitions are dismissed as withdrawn.

5. Further, it is made clear that both the parties consented to withdraw the allegations made against each other. A decree of divorce is therefore granted by consent in H.M.O.P.No.694 of 2016 under Section 10-A of the Divorce Act 1869.

6. So far as Clause 5 of the compromise memo is concerned, parties have to approach the learned Judge having jurisdiction to deal with Crl.O.P.No.4865 of 2017 and obtain the appropriate orders.

7. The petitioner has no objection for Crl.O.P.No.4865 of 2017 filed against D.V.A.51 of 2016 on the file of the Judicial Magistrate Court VI at Coimbatore be allowed and proceedings be quashed.

8. With the above direction, transfer CMP is closed. H.M.O.P.No.694 of 2016 is treated as petition under Section 13B of the Hindu Marriage Act and F.C.O.P.No.21 of 2016 is dismissed as withdrawn.

9. Accordingly, this Transfer Civil Miscellaneous petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Judge, Family Court, Salem

2. The Judge, Additional Family Court, Coimbatore.

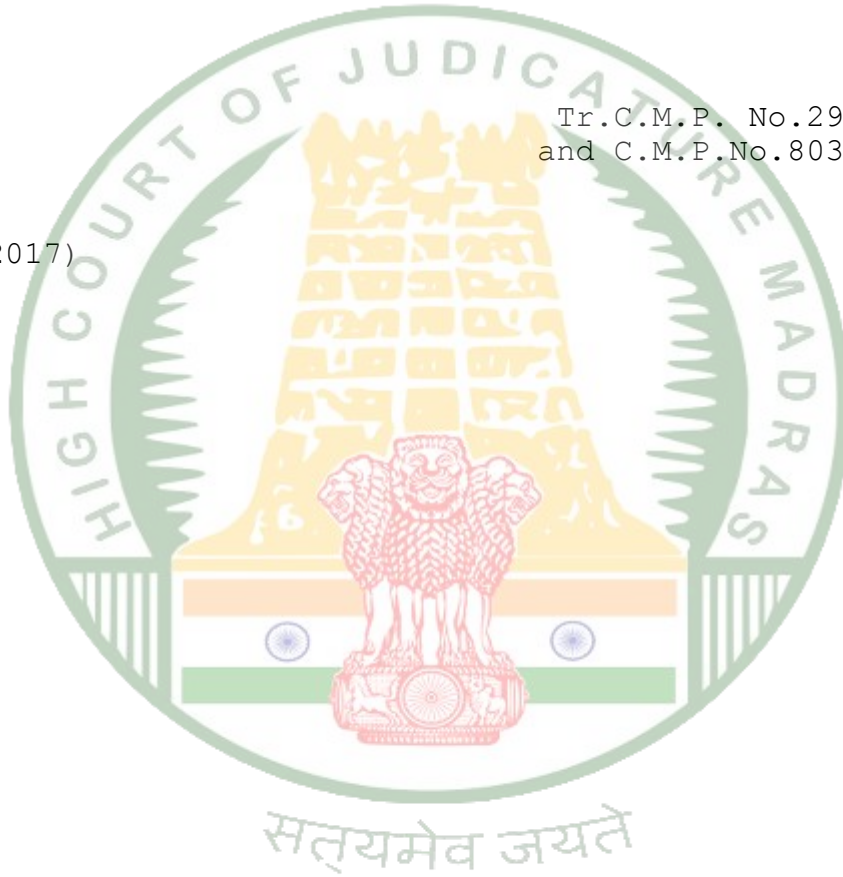
3.The Judicial Magistrate No.VI,
Coimbatore.

+lcc to Mr.L.Mouli, Advocate SR.No.48202

+lcc to Mr.V.Lakshmi Narayanan, Advocate SR.No.47765

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and C.M.P.No.8033 of 2016

KJ (CO)
GN(04/08/2017)



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