

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.Nos.622 and 623 of 2016

and C.M.P.Nos.16741 and 16742 of 2016

M.Sharmila .. Petitioner in both Tr.C.M.Ps

Vs.

Purushothaman .. Respondent in both Tr.C.M.Ps

Prayer in Tr.C.M.P.No.622 of 2016:

Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the proceedings in H.M.O.P.No.23 of 2015 pending on the file of Subordinate Judge, Padmanabhapuram and to transfer the same to any Family Court, Chennai.

Prayer in Tr.C.M.P.No.623 of 2016:

Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the proceedings in G.W.O.P.No.59 of 2015 pending on the file of District Court, Nagercoil and to transfer the same to any Family Court, Chennai.

For Petitioner : Ms.V.S.Usha Rani
in both Tr.C.M.Ps

For Respondent : Ms.Subhashini
in both Tr.C.M.Ps for M/s.Chennai Law Associates

C O M M O N O R D E R

These Tr.C.M.Ps are filed by the petitioner-wife seeking transfer of H.M.O.P.No.23 of 2015 pending on the file of the Subordinate Judge, Padmanabhapuram and G.W.O.P.No.59 of 2015 pending on the file of the District Judge, Nagercoil to the file of the Family Court, Chennai.

2. These petitions were referred for Mediation to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, by the order of this Court, dated 19.12.2016.

3. A communication dated 21.02.2017 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its Mediation Report, dated 13.02.2017 has been received, and in the said Mediation Report, it is stated as follows:-

"Both parties have appeared before the centre along with their counsels. Matter has been settled between them as per the terms cited in the Common Memo of Compromise between the petitioner and the respondent which is enclosed. Hence, the matter is submitted back to the Hon'ble Court".

4. As the parties have arrived at a settlement in terms of the Common Memo of Compromise between them dated 13.02.2017, these petitions are listed for passing orders in terms of the said Memo.

5. The Common Memo of Compromise dated 13.02.2017 signed by the parties and their respective counsel, reads as follows:-

1. The petitioner and the respondent jointly file the present Memorandum of Compromise.

2. The petitioner and the respondent have expressed their willingness to resolve all their differences and settle their issues at the Tamil Nadu Mediation and Conciliation Centre in the Madras High Court Campus on the following terms:-

a. The petitioner and respondent agree to file a petition under Section 13B of the Hindu Marriage Act to dissolve the marriage by way of mutual consent between them.

b. The respondent agrees to execute SETTLEMENT DEED with respect to his property at 4/153, Vellarikkavilai Veedu, Opp.GHS Thiruvarambu, Kanyakumari, Tamilnadu in favour of the petitioner, within a period of 2 months from the date of filing of the said petition for mutual consent.

c. The respondent, out of love and affection towards his daughter, agrees to pay a total sum of Rs.7.5 lakhs towards permanent alimony for the minor daughter Shivani (8 years old). Initially, a sum of Rs.4 lakhs is paid by this day by way of Demand Draft No.993046 dated 10.02.2017 drawn in favour of M.Sharmila in Dhanalaxmi Bank MA Math, Amirtapuri Branch. The remaining sum of Rs.3.5 lakhs will be paid by way of fixed deposit in the name of minor child Shivani at the time of recording of evidence in the mutual consent petition.

3. The respondent also agrees for the

permanent custody of minor child Shivani to be entrusted with the petitioner-wife.

4. The respondent agrees that he will never claim any visitation right to visit the child at any point of time, in future.

5. The petitioners declare that during the pendency of the present petition and after grant of divorce by this Court, both will not disturb each other by any gesture, personal or written, electronic communication, etc., or in any manner whatsoever.

6. The 1st petitioner agrees and undertakes to withdraw the following cases:-

a. H.M.O.P No.23 of 2015 on the file of Subordinate Judge, Padmanabapuram

b. G.W.O.P.No.59 of 2015 on the file of the District Judge, Nagercoil.

The 2nd petitioner agrees and undertakes to withdraw the following case:

M.C.No.436 of 2016 pending before the 2nd Additional Family Court Judge, Chennai.

7. Both the petitioner and the respondent make it clear that they do not have any claim whatsoever against each other except the balance amount of Rs.3.5 lakhs being the permanent alimony to be settled by the respondent to their minor daughter, under this Joint Memo of Compromise.

6. In terms of the settlement arrived at between the parties, which is recorded under the Common Memo of Compromise dated 13.02.2017 in terms of the Mediation Report dated 13.02.2017 before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, these Tr.C.M.Ps are disposed of, recording the terms of the Common Memo of Compromise dated 13.02.2017. The terms of the Common Memo of Compromise dated 13.02.2017 and the Mediation Report dated 13.02.2017 of the Mediation Centre, shall form part of the order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

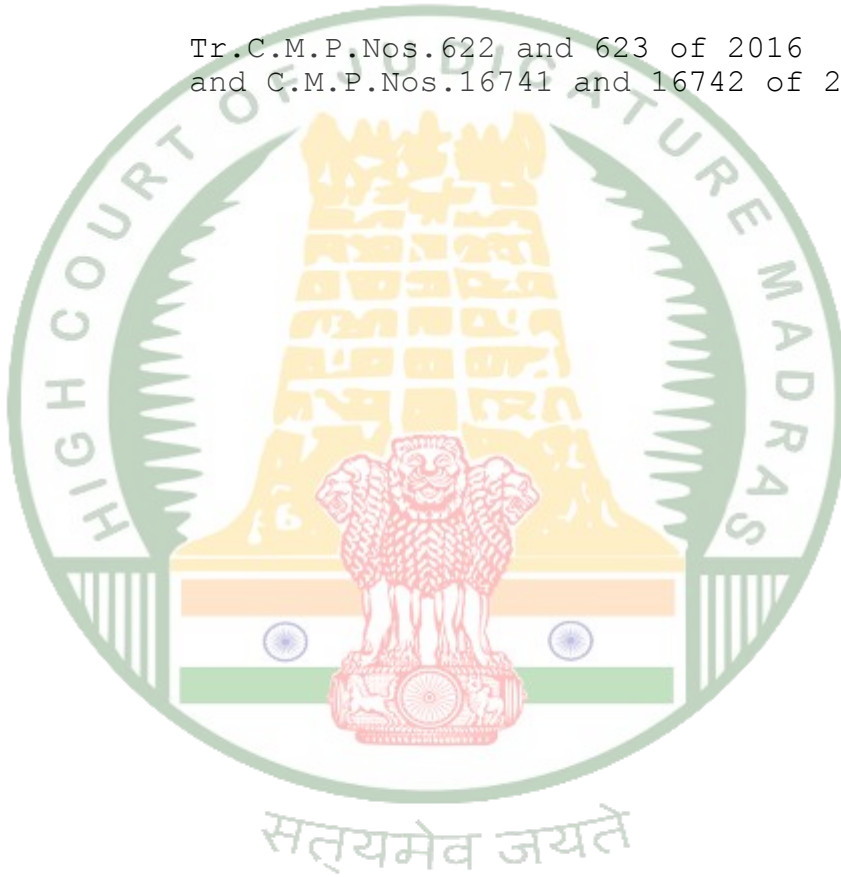
SRN
To

1. The Subordinate Judge, Padmanabhapuram
2. The Judge, Family Court, Vellore

+2cc to Mr. Chennai Law Asso, Advocate, S.R.No.12787

lrs (CO)
md(17/03/2017)

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