



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2017

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

TR C.M.P. (MD) .No.446 of 2015

and

M.P. (MD) No.1 of 2015

A. Gunanidhi ... Petitioner/Petitioner

Vs.

D.Anandhan ... Respondent/Respondent

PRAYER : Transfer Civil Miscellaneous petition filed under Section 24 of C.P.C., to pass an order to withdraw the H.M.O.P.No.379 of 2014 on the file of the learned District Family Judge, Dindigul and to transfer the same to the Subordinate Court, Thiruppur to try along with M.C.No.24 of 2014 pending before the learned Chief Judicial Magistrate, Thiruppur.

For Petitioner : Mr.S.Selvarathinam
For Respondent : Mr.S.C.Herold Singh

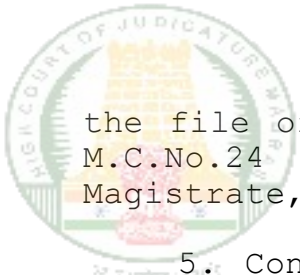
O R D E R

This Transfer Civil Miscellaneous petition has been filed to pass an order to withdraw the H.M.O.P.No.379 of 2014 on the file of the learned District Family Judge, Dindigul and to transfer the same to the Subordinate Court, Thiruppur to try along with M.C.No.24 of 2014 pending before the learned Chief Judicial Magistrate, Thiruppur.

2. Heard the learned counsel appearing for the petitioner as well as the respondent.

3. The wife is the petitioner and the respondent is the husband who got married on 12.06.2013 and out of the wedlock, a female child was born on 14.03.2014. The dispute arises between the parties and that they have been separated from the year 2014 onwards.

4. Thereafter, the respondent filed a divorce petition in H.M.O.P.No.379 of 2014 on the file of the Family Court, Dindigul, seeking divorce. The petitioner also filed a Maintenance petition in H.M.O.P.No.379 of 2014 on the file of the learned Chief Judicial Magistrate, Thiruppur. Only to transfer the petition in H.M.O.P.No.379 of 2014 filed by the respondent before the Family Court, Dindigul to



the file of the Subordinate Court, Thiruppur and to try along with M.C.No.24 of 2014 pending before the learned Chief Judicial Magistrate, Thiruppur, the present petition has been filed.

5. Considering the young age of the couple and also the child, this Court directed both the parties to be present before this Court. In spite of best efforts taken by the respective learned counsel for the parties, compromise could not be reached. It is stated by the parties that they decided to get separation by mutual consent. In this regard, a memo of compromise is also filed dated 06.02.2017, agreeing for mutual divorce.

6. No useful purpose will be achieved by keeping the above matters before the trial Court, when the parties have reached an amicable settlement before this Court. Taking into consideration the statements made by the parties before this Court and the memo of compromise signed by both the parties and countersigned by the respective counsel, this Court instead of deciding the Transfer Civil Miscellaneous petition, *suo motu* withdraw the H.M.O.P.No.379 of 2014 filed by the respondent for divorce against the petitioner to dissolve the marriage dated 12.06.2013 and grant Decree of divorce dissolving the marriage under Article 227 of the Constitution of India and 151 of C.P.C. The memo of compromise shall form part of the order.

7. Recording the above memo of compromise and granting Decree in H.M.O.P.No.379 of 2014, the Maintenance petition in M.C.No.24 of 2014 on the file of the learned Chief Judicial Magistrate, Thiruppur, is dismissed. Accordingly, the Transfer Civil Miscellaneous petition is disposed of. Consequently, connected Miscellaneous petition is closed. No costs.

sd/-

Assistant Registrar (CS-I)

/True Copy/

Encl : Joint the Memo of
Compromise xerox copy

Sub Assistant Registrar

pmu

To

1. The District Family Judge, Dindigul.
2. The Subordinate Judge, Thiruppur.
3. The Chief Judicial Magistrate, Thiruppur.

+1CC to Mr.S.Selvarathinam, Advocate Sr.No.6593

+1CC to Mr.S.C.Herold Singh, Advocate Sr.No.6677

GJM/SKN/RSK/8.3.17-2p-6c

JUDGMENT MADE IN
TR C.M.P. (MD) .No.446 of 2015
and
M.P. (MD) No.1 of 2015
06.02.2017