



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :04.09.2017

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR.C.M.P(MD)Nos.197 and 198 of 2017
and C.M.P.(MD)Nos.4373 and 4387 of 2017

Rajesh .. Petitioner/Respondent in both petitions

Vs.

K.Valarmathi ... Respondent/Petitioner in both petitions

Tr.C.M.P. (MD) .No.197 of 2017: This Petition has been filed under Section 24 of Civil Procedure Code to withdraw and transfer M.C.No.6 of 2016 pending on the file of the learned Judicial Magistrate, Thuraiyur, Trichy District and to be tried along with H.M.O.P.No.321 of 2015 on the file of the Sub-Court, Namakkal with cost.

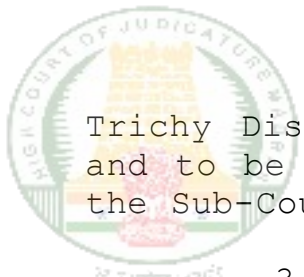
Tr.C.M.P. (MD) .No.198 of 2017: This Petition has been filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.16 of 2017 on the file of the Sub-Court, Thuraiyur, Trichy District and transfer the same to the Sub-Court, Namakkal and to be tried along with H.M.O.P.No.321 of 2015 on the file of the Sub-Court, Namakkal with cost.

For Petitioner : Mr.A.Uthayakumar
For Respondent : Mr.K.Muthumalai

COMMON ORDER

Since the issue involved in both the petitions are inter-related to each other, both the petitions are taken up together and decided by a common order.

2. The petitioner is husband of the respondent. The petitioner herein filed Tr.CMP.(MD).No.197 of 2017 to withdraw and transfer M.C.No.6 of 2016 pending on the file of the learned Judicial Magistrate, Thuraiyur, Trichy District to be tried along with H.M.O.P.No.321 of 2015 on the file of the Sub-Court, Namakkal with cost. Similarly, he also filed yet another Transfer Civil Miscellaneous Petition in Tr.CMP.(MD).No.198 of 2017 to withdraw H.M.O.P.No.16 of 2017 on the file of the Sub-Court, Thuraiyur,



Trichy District and transfer the same to the Sub-Court, Namakkal and to be tried along with H.M.O.P.No.321 of 2015 on the file of the Sub-Court, Namakkal with cost.

3. Notice and private notice was ordered by this Court on 07.06.2017 and the matters were listed on various hearings for amicable settlement.

4. Today, when the matters are taken up for hearing, both the learned counsel appearing for the respective counsel along with their respective parties were present before this Court. Both the counsel fairly submit that the matters have been amicable settled and to that effect, a compromise memo has been filed by the parties and it was duly signed by their respective counsel and their respective parties. The relevant portion found in the said compromise memo is usefully extracted below:-

"The petitioner has agreed to pay the Rs.2,50,000/- to the respondent as a permanent settlement and the petitioner shall pay the Rs.1,25,000/- to the respondent on 04.09.2017 before their respective Advocates and remaining balance of Rs.1,25,000/- will pay by the petitioner while taking evidence in divorce HMOP No. 16 of 2017 on the file of the Sub Court, Thuraiyur.

ii. The respondent has agreed to withdraw the all the allegations against the petitioner made in the petition in HMOP No.16 of 2017. Both parties are agreed for divorce in HMOP No.16 of 2017 on the file of Sub Court, Thuraiyur.

iii. The respondent has agreed to withdraw the case against the petitioner in MC No.6 of 2016 on the file of the Learned Judicial Magistrate, Thuraiyur.

iv. Both parties shall receive of their jewels respectively.

v. The respondent has agreed to withdraw the case against the petitioner and his parents and his sister in DVA No.1 of 2016 on the file of the Learned Judicial Magistrate, Thuraiyur.

vi. The petitioner also agreed to withdraw the restitution of conjugal rights in H.M.O.P.No.321 of 2015 on the file of the Sub-Court, Namakkal.

vii. The petitioner shall return all "seervarisai" (dowry items) articles to the respondent"

4. Recording the said compromise memo, the transfer civil miscellaneous petitions are disposed of and the parties are directed to abide by the terms and conditions strictly as per the compromise memo arrived at between them.

5. At this juncture, both the counsel request this Court that the divorce proceedings may be completed within the time to be stipulated by this Court.



6. In the light of the afore-said submission, the Court below is directed to complete the divorce petition in H.M.O.P.No.16 of 2017 pending on the file of Judicial Magistrate, Thuraiyur, Trichy District, within a period of one month from the date of receipt of a copy of this order. The compromise memo shall form part of this order. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

Encl.: Xerox Copy of Compromise Memo.

To

1. The Subordinate Judge,
Thuraiyur,
Trichy District.

2. The Subordinate Judge,
Namakkal.

+ 2 CC TO MR.A.Uthayakumar, ADVOCATE IN SR No.76761,76762

+ 1 CC TO MR.K.Muthumalai, ADVOCATE IN SR No.76390

ssm

MK/SV MMS/SAR-3/3P/6C/15.09.2017

TR.C.M.P(MD)Nos.197 and 198 of 2017

04.09.2017