



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.02.2017
CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

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Tr.C.M.P(MD)No.47 of 2017
and
C.M.P(MD)No.1226 of 2017

Tr.C.M.P(MD)No.47 of 2017:

Priyadarshini ... Petitioner/Respondent
Vs.
Alaghu Sriram @ T.Sriram ... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw G.W.O.P.No.14 of 2016 on the file of the District Court, Virudhunagar at Srivilliputtur and transfer the same to the Principal District Court, Madurai.

For Petitioner : Mr.K.Govindarajan
for Mr.P.Thilakkumar

For Respondent : Mr.C.P.Siva Mohan
for Mr.N.Dilip Kumar

G.W.O.P.No.14 of 2016:

Alaghu Sriram @ T.Sriram ... Petitioner
Vs.

Priyadarshini ... Respondent

Prayer: Petition filed under Sections 3, 7 to 10 of the Guardian and Wards Act, to grant custody of the minor S.Vikunth, aged about 3 years, son of the petitioner and the respondent, to the petitioner and direct the respondents to hand over the custody of the said minor to the petitioner.

* * * * *

COMMON ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife to transfer G.W.O.P.No.14 of 2016 filed by the respondent/husband seeking custody of minor S.Vikunth, a child born to the petitioner/wife as well as the respondent/husband.



2. The petitioner/wife and the respondent/husband got married on 02.06.2010 and out of wedlock, a child, namely, S.Vikunth was born on 23.10.2013. Thereafter, a dispute arose between the parties and they are living separately.

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3. At this juncture only, the respondent/husband filed G.W.O.P.No.14 of 2016 seeking custody of the child on the file of the Principal District Court, Virudhunagar District at Srivilliputtur. That apart, the respondent/husband also filed H.M.O.P.No.4 of 2017 for divorce on the file of the Family Court, Chennai and at the instance of the petitioner/wife, it was transferred to the file of the Sub Court, Virudhunagar.

4. Only to transfer G.W.O.P.No.14 of 2016 on the file of the Principal District Court, Virudhunagar District at Srivilliputtur to the file of the District Court, Madurai, the present petition has been filed.

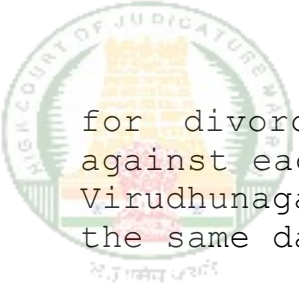
5. Today, when the matter is taken up for hearing, both the parties appeared before this Court and categorically stated that they decided to part ways and also decided to have the custody of the minor child with the petitioner/wife and the respondent/husband shall not have the custody of the minor child or the visitation rights.

6. In this regard, a Joint Compromise Memo, dated 24.02.2017, signed by both the parties and counter-signed by the respective learned Counsel for the parties, has been filed before this Court.

7. The Joint Compromise Memo, dated 24.02.2017 as well as the statements made by both the parties would reveal that the minor child, namely, S.Vikunth, shall remain with the custody of the petitioner/wife and the respondent/husband shall not have the custody of the minor child or visitation rights.

8. Therefore, no useful purpose will be achieved by keeping G.W.O.P.No.14 of 2016 on the file of the Principal District Court, Virudhunagar District at Srivilliputtur and therefore, this Court suo motu exercising the power under Article 227 of the Constitution of India and Section 151 of the Code of Civil Procedure, withdraws G.W.O.P.No.14 of 2016 from the file of the Principal District Court, Virudhunagar District at Srivilliputtur and transfers to the file of this Court and disposes of the same by granting permanent custody of the minor child, namely, S.Vikunth to the petitioner/wife and the respondent/husband shall not have the custody of the minor child or the visitation rights.

<https://hcservices.courts.gov.in/hcservices/> 9. It is also agreed by both the parties that they would file a Consent Memo for divorce before the Sub Court, Virudhunagar, wherein H.M.O.P.No.4 of 2017 is pending for divorce, by consenting



for divorce mutually by withdrawing all the allegations made against each other. On such filing of Consent Memo, the Sub Court, Virudhunagar is directed to pass a consent decree for divorce on the same day.

10. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of in the above terms. The Joint Compromise Memo, dated 24.02.2017, shall remain part and parcel of this order. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

- 1.The Principal District Court, Virudhunagar at Srivilliputtur.
- 2.The Principal District Court, Madurai.
- 3.The Sub Court, Virudhunagar.

+3cc to Mr.N.Dilip Kumar, Advocate SR.NO.10678

+1cc to Mr.P.Thilakkumar, Advocate SR .No.11098

+joined compromise memo xerox copy attached.

Rsb

AAM PM SAR1 27.02.2017 3P 8C

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