



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

TR.CMP(MD)No.9 of 2017

& C.M.P(MD)No.529 of 2017 and

CMP(MD) No.3262 of 2017

TR.CMP(MD)No.9 of 2017:

G.Palvannan

... Petitioner/Respondent

-Vs-

J.Jai Shanti

... Respondent/Petitioner

Prayer: Petition in Tr.C.M.P is filed under Section 24 of Code of Civil Procedure to withdraw the petition in H.M.O.P.No.167 of 2016 pending on the file of the Principal Sub-Court, Thanjavur and transfer the same to any other Court within the jurisdiction of this Court and pass further orders as this Court may deem fit and proper to the facts and circumstances of the case.

For Petitioner

: Mr.D.Nallathambi

For Respondent

: Mr.V.Sasikumar for
Mr.K.K.Ramakrishnan

* * * * *

H.M.O.P.No.167 of 2016:

J.Jai Shanti

... Petitioner/Wife

Vs.

G.Palvannan

... Respondent/Husband

Prayer: Petition filed under Section 13(1)(1-a) and (1-b) of the Hindu Marriage Act, (Central Act No.XXV of 1955) as amended in Act No.LXVIII of 1976, to order the annulment of marriage dated 06.12.2013 held between the petitioner and the respondent by a decree of divorce.

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**COMMON ORDER**

The Respondent/Wife filed H.M.O.P.No.167 of 2016 on the file of the Principal Sub-Court, Thanjavur, as against the petitioner/husband for divorce against the marriage performed on 06.12.2013.

2. The petitioner/husband herein has filed the above Transfer C.M.P. seeking to transfer the H.M.O.P.No.167 of 2016 on the file of the Principal Sub-Court, Thanjavur.

3. On 23.01.2017, this Court directed both the parties to be present before this Court, so that, a compromise could be arrived at. Hence, both parties appeared before this Court along with their respective parents. In spite of the best efforts taken by the respective Counsel appearing for the parties, reunion could not be achieved. Further, it is evident that the marriage is irretrievably broken down and the parties are unable to be compromised.

4. When the matter is called today, both the parties are present before this Court along with their respective parents and their respective Counsel and they have submitted a Compromise Memo, dated 21.02.2017, signed by the petitioner/wife and the respondent/husband and also countersigned by the respective Counsels.

5. A perusal of the said Compromise Memo, dated 21.02.2017, would reveal that both parties consented for divorce mutually and they seek grant of decree for divorce in H.M.O.P.No.167 of 2016 on the file of the Principal Sub-Court, Thanjavur.

6. It is very clear from the interaction with the couple and their parents and the submissions made by them before this Court that the spouse do not want to continue their relationship as it reached a point of no return. Both the parties have given up their allegations made against each other in all of the proceedings. Since the parties, consciously with the consent of their parents, have taken a decision to get divorce by mutual consent and filed the Compromise Memo, dated 21.02.2017, this Court *suo motu* withdraws and calls for the records in H.M.O.P.No.167 of 2016 on the file of the Principal Sub-Court, Thanjavur, by invoking Article 227 of the Constitution of India and Section 151 of Code of Civil Procedure to the file of this Court and grants a decree for divorce by mutual consent by dissolving the marriage performed on 06.12.2013 between the petitioner/husband and the respondent/wife. The Compromise Memo dated 21.02.2017, shall form part of



7. Recording the said Joint Compromise Memo dated 21.02.2017, this Transfer Civil Miscellaneous Petition is ordered. There shall be a decree in H.M.O.P.No.167 of 2016 in terms of the Joint Compromise Memo, dated 21.02.2017. No costs. Consequently, the connected Miscellaneous petition is closed.

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Sd/-
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1. The Subordinate Judge,
Thanjavur.

2. The Record Keeper,
V.R.Section, Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.D.NALLATHAMBI, Advocate, SR No. 9564.

+4 CC to M/s.V.SASIKUMAR, Advocate, SR No. 9980

GSR

PSM/MR-RR/SAR4/01.06.2017/3P/8C

Tr.C.M.P(MD) .No.9 of 2017
21.02.2017