



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.CMP (MD) No.516 of 2016

and

C.M.P (MD) No.10633 of 2016

PL.Lakshmi

..Petitioner/Respondent-Wife

Vs

Rm.Veerappan

..Respondent/Petitioner-Husband

Prayer: Petition in Tr.C.M.P is filed under Section 24 of Code of Civil Procedure to withdraw the case in FCOP.No.392 of 2016, pending on the file of the Family Court, Salem and transfer the same to the Sub-Court, Devakottai to try along with the case in HMOP.No.98 of 2015.

For Petitioner

: Mr.D.Rameshkumar

For Respondent

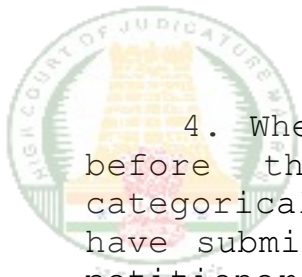
: Mr.Selvageethan

JUDGMENT

The Transfer petition is filed by the petitioner/wife seeking transfer of F.C.O.P.No.392 of 2016, pending on the file of the Family Court, Salem, filed by the respondent/husband for divorce, to the Sub-Court, Devakottai to try along with the case in H.M.O.P.No.98 of 2015 filed by the petitioner/wife for restitution of conjugal rights.

2. The petitioner and respondent got married on 23.11.2012 and there is no issue. After marriage, due to dispute between the parties, they are living separately for 4 years. The petitioner filed H.M.O.P.No.98 of 2015 on the file of the Sub Court, Devakottai, seeking restitution of conjugal rights and thereafter the respondent/husband filed F.C.O.P.No.392 of 2016 seeking divorce. As stated above only to transfer F.C.O.P.No.392 of 2016, the present transfer petition has been filed.

3. On 22.02.2017, 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. In spite of the best efforts taken by the respective Counsel appearing for the parties, a compromise could not be achieved. Further, it is evident that the marriage is irrevocably broken down and the parties are unable to compromise.



4. When the matter is called today, both parties are present before this Court with their respective Counsel and they categorically stated that they want to part way amicably. They have submitted a Compromise Memo, dated 27.02.2017, signed by the petitioner/wife and the respondent/husband and also countersigned by the respective Counsels, by which both parties want to get separated.

5. A perusal of the said Compromise Memo dated 27.02.2017 would reveal that both parties consented for divorce mutually and they seek grant of decree for divorce in F.C.O.P.No.392 of 2016 on the file of the Family Court, Salem. In view of the above compromise, no useful purpose would be achieved by keeping the trial court proceedings pending and therefore this Court *suo motu* withdraws and calls for the records in F.C.O.P.No.392 of 2016, on the file of the Family Court, Salem, 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 dissolving the marriage performed on 23.11.2012 between the petitioner/wife and the respondent/husband. In view of granting of decree in F.C.O.P.No.392 of 2016, the case in H.M.O.P.No.98 of 2015 filed by the petitioner has become unnecessary and the same is withdrawn and dismissed.

6. Both the parties have given up the allegations made against each other in all of the proceedings.

7. Recording the said Joint Compromise Memo dated 27.02.2017, this Transfer Civil Miscellaneous Petition is ordered. The joint compromise memo shall form part of this order. There shall be a decree in F.C.O.P.No.392 of 2016 in terms of joint compromise memo. Consequently, the connected Miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub-Assistant Registrar

**(&) JOINT COMPROMISE MEMO DATED 27/2/2017 XEROX COPY IS ENCLOSED
HEREWITH**

To

1.The Subordinate Judge, Devakottai.

2.The Family Court, Salem

3.The Record Keeper, V.R.Section,

Madurai Bench of Madras High Court, Madurai.

+2 ccs to Mr.D.Ramesh Kumar, Advocate, SR.No.11254

PJL

RL/6c/2p/SKN/RSK/SAR1/31/8/2017

Tr.CMP (MD) No.516 of 2016