



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

TR.CMP(MD)No.521 of 2016

& C.M.P(MD)No.10706 of 2016

D.Nithya

... Petitioner/Respondent/Wife

Vs.

N.Balasubramanian

... Respondent/Petitioner/Husband

Prayer: Petition filed under Section 24 of Code of Civil Procedure to withdraw and transfer the H.M.O.P.No.146 of 2016 on the file of the Sub-Court at Nagapattinam to the Family Court at Trichy.

For Petitioner : Ms.T.Banumathy
For Respondent :Mr.P.Kathan Rajkumar

JUDGMENT

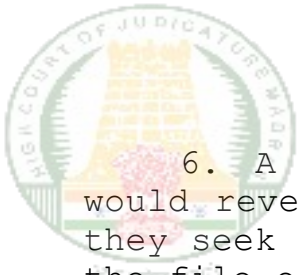
The petitioner/wife filed H.M.O.P.No.283 of 2016 on the file of Family Court, Trichy, as against the respondent/husband for grant of divorce against the marriage performed on 27.08.2015.

2. The respondent/husband filed a H.M.O.P.No.146 of 2016 on the file of the Sub-court, Nagapattinam, for restitution of conjugal rights under Section 9 of the Hindu Marriages Act, 1955.

3. The petitioner has filed the above Transfer C.M.P. seeking to transfer the H.M.O.P.No.146 of 2016 on the file of Sub-court, Nagapattinam, filed by the respondent/husband to the file of the Family Court, Trichy, wherein H.M.P.No. 283 of 2016 filed by her for divorce, is pending.

4. Taking note of the young age of the couple and also the short period during which they lived together, 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 irrevertably broken down and the parties are unable to compromise.

5. 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 Deed, dated 12.01.2017, signed by the petitioner/wife and the respondent/husband and also countersigned by the respective parents of the parties and their Counsels.



6. A perusal of the said Compromise Memo dated 12.01.2017 would reveal that both parties consented for divorce mutually and they seek grant of decree for divorce in H.M.O.P.No.283 of 2016 on the file of the Family Court, Trichy.

WEB COPY

7. 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 the 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 12.01.2017, this Court suo motu withdraws and calls for the records in H.M.O.P.No.283 of 2016 on the file of the Family Court, Trichy, 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 27.08.2015 between the petitioner/wife and the respondent/husband. The Compromise Memo dated 12.01.2017 shall form part of this order.

8. Similarly, H.M.O.P.No.146 of 2016 on the file of Sub-court, Nagapattinam, filed by the respondent/husband seeking restitution of conjugal right is withdrawn to the file of this Court and the same is dismissed in view of grant of divorce in H.M.O.P.No.283 of 2016 on the file of Family-Court, Trichy.

9. Recording the said Compromise Memo dated 12.01.2017 this Transfer Civil Miscellaneous Petition is disposed of. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Subordinate Judge,
Nagapattinam.
- 2.The Family Court
Trichy.

+1cc to Mr.P.Kaathan Rajkumar, Advocate, SR No 2689.

Tr.C.M.P (MD) .No.521 of 2016
12.01.2017

GSR