



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

WEB COPY

TR.CMP(MD)No.525 of 2016
& C.M.P(MD)No.10780 of 2016 & C.M.P(MD)No.1532 of 2017

C.Muthuselvi ... Petitioner in TR.CMP(MD)No.525/2016 and
Respondent in CMP(MD)No.1532/2017

Vs.

P.T.Dhanaraj ... Respondent in TR.CMP(MD)No.525/2016 and
Petitioner in CMP(MD)No.1532/2017

Prayer: Petition in Tr.C.M.P is filed under Section 24 of Code of Civil Procedure to withdraw the I.D.O.P.No.5 of 2016 on the file of the Family Court, Srivilliputhur and transfer the same to Family Court, Ramanathapuram.

Prayer: I.D.O.P No.5 of 2016, on the file of the Family Court, Srivilliputhur, is withdrawn and renumbered as C.M.P(MD)No.1532 of 2017 on the file of this Court praying to annul the Marriage conducted between the petitioner and the respondent on 29.05.2015.

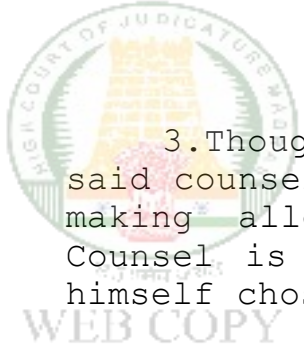
For Petitioner : Mr.K.C.Ramalingam
For Respondent : **Mr.V.Sasikumar -Vakalat revoked**
P.T.Dhanaraj- **Party-in-person**

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JUDGMENT

The petitioner is the wife and the respondent is the husband and they got married on 29.05.2015. After leading the matrimonial life for some time, a dispute arose between the parties and therefore, they have been living separately for the past more than one year. In spite of the efforts taken by the elders, the matter could not be sorted out. Hence, the respondent/husband filed I.D.O.P.No.5 of 2016 on the file of the Family Court, Srivilliputhur, for divorce under Section 10(1)(vii) of the Divorce Act, 1869. As the petitioner/wife is residing along with her parents at Kamuthi Taluk, Ramathapuram District, she has moved this Transfer Civil Miscellaneous Petition to transfer I.D.O.P.No.5 of 2016 on the file of the Family Court, Srivilliputhur, to the Family Court, Ramanathapuram.

2. Considering the young age of the spouses, this Court directed both the parties to be present before this Court and in spite of the efforts taken by the learned Counsel for the petitioner, the issue could not be sorted out. Therefore, the parties themselves have agreed to seek divorce by mutual consent.



3. Though initially the respondent engaged the counsel, the said counsel withdrew his appearance stating that the respondent is making allegations against him and therefore, the respondent Counsel is allowed to withdraw his appearance and the respondent himself chose to represent himself as a party-in-person.

4. When the matter is called today both the parties have categorically stated before this Court that they do not want to live together and they want to part away and sought for decree of divorce by mutual consent. The petitioner's father namely V.Chellapa, is also present who also agreed for the same. A Memo of Compromise dated 20.01.2017, signed by both the parties and the petitioner's father namely V.Chellapa as well as the petitioner's Counsel is filed before this Court.

5. A perusal of the Joint Memo of Compromise dated 20.01.2017, would reveal that both the parties agreed for decree of divorce by mutual consent in I.D.O.P.No.5 of 2016 on the file of the Family Court, Srivilliputhur.

6. In view of the above circumstances instead of driving the parties to the trial Court, this Court withdraws the I.D.O.P.No.5 of 2016 on the file of the Family Court, Srivilliputhur, to the file of this Court *suo motu* and calls for the records in I.D.O.P.No.5 of 2016 on the file of the Family Court, Srivilliputhur, 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 between the petitioner and the respondent on 29.05.2015.

7. Though the transfer petition has been filed before this Court, in the interest of parties only this Court passes the orders in the main I.D.O.P.No.5 of 2016 on the file of the Family Court, Srivilliputhur, itself while disposing of the Transfer Civil Miscellaneous Petition to give a finality as well as to save time.

8. Both the parties have given up the allegations made against each other in all of the proceedings. The Joint Compromise Memo dated 20.01.2017 shall form part of this order.

9. Recording the said Joint Compromise Memo dated 20.01.2017, this Transfer Civil Miscellaneous Petition and I.D.O.P are disposed of. There shall be a decree in I.D.O.P in terms of joint compromise memo. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)



1. The Judge,
The Family Court,
Srivilliputhur.

+1 cc to M/S.K.C.Ramalingam, Advocate, SR.No:3608

gsr
sva/mr/sar1/07.03.2017/3p/3c

Tr.C.M.P(MD) .No.525 of 2016
& C.M.P(MD) No.1532 of 2017
20.01.2017