



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

TR.CMP (MD) No.569 of 2016 & C.M.P (MD) No.11996 of 2016

WEB COPY

A.Natarajan

... Petitioner

Vs.

Kamatchi @ Banupriya

... Respondent

Prayer: Petition filed under Section 24 of Code of Civil Procedure to withdraw the petition in H.M.O.P.No.872 of 2016 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.V.Sasikumar

For Respondent : Ms.M.Kavitha

Mrs.Maria Roseline as Mediator

* * * * *

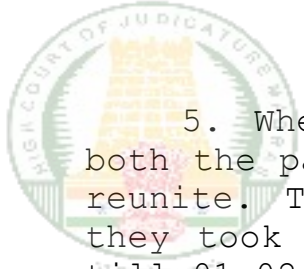
JUDGMENT

The petitioner is the husband and the respondent is the wife and they got married on 27.05.2011. After their marriage, they set up a matrimonial home at Chennai and thereafter, a dispute arose between the spouses and hence, they have been living separately for the past four years.

2. The petitioner filed H.M.O.P.No.4493 of 2012 seeking for divorce on the file of the Family Court, Chennai, which was transferred and renumbered as H.M.O.P.No.321 of 2013 on the file of the Third Additional Sub-Court, Madurai, as per the order passed by this Court in Tr.C.M.P.(MD)No.20 of 2013 dated 26.04.2013 filed by the respondent/wife.

3. Meanwhile, the respondent/wife filed H.M.O.P.No.872 of 2016 on the file of the Family Court, Madurai, for restitution of conjugal rights. Only to transfer the H.M.O.P.No.872 of 2016 pending on the file of the Family Court, Madurai, to the Family Court, Chennai, the husband filed this transfer petition.

4. Considering the young age of the spouses, this Court directed them to appear before this Court and they were present before this Court and Mrs.Maria Roseline, learned Counsel practising for a long time before this Court was requested to mediate the couple. With the help of the mediator as well as the active support of the respective Counsels of the parties, the couple has been able to reunite as evident from their statements made before this Court as noted in the order dated 27.01.2017.



5. When the matter was taken up for hearing on 27.01.2017, both the parties were present and they stated that they decided to reunite. Their statements made it very clear that on their own, they took a decision to get reunited. The counsel requested time till 01.02.2017, to file a Joint Memo of Compromise.

6. A Joint Memo of Compromise signed by both the parties and countersigned by the respective Counsels has been filed before this Court, today stating that they have decided to get reunited. In view of the decision taken by both parties duly reflected in the Memo of Compromise H.M.O.P.No.321 of 2013 pending on the file of the Third Additional Sub-Court, Madurai, filed by the respondent/husband for divorce as well as the petition in H.M.O.P.No.872 of 2016 on the file of the Family Court, Madurai, filed by the respondent/wife have become unnecessary. Therefore, invoking Article 227 of the Constitution of India, this Court *suo motu* withdraws both the above petitions and disposes of the same in terms of the Joint Memo of Compromise dated 31.01.2017 in view of the reunion of the couple. The Joint Memo of Compromise dated 31.01.2017 shall form part of this order.

7. In view of the above 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 IIIAdditional Sub Court,
Madurai.

2.The Family Court,
Madurai.

gsr

AE/JM/15.02.2017/2P/3C

Tr.C.M.P (MD) .No.569 of 2016
01.02.2017