

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.1064 of 2017
and
C.M.P.No.21684 of 2017

P.Sathiyabama ... Petitioner

Vs.

A.Vignesh ... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.290 of 2017 pending on the file of the Subordinate Court at Poonamallee and transfer the same to the file of Family Court, Erode to try along with H.M.O.P.No.327 of 2017.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.A.Ponvelan

O R D E R

The Tr.C.M.P is filed by the petitioner-wife seeking transfer of H.M.O.P.No.290 of 2017 pending on the file of the Subordinate Court, Poonamallee to the file of the Family Court, Erode to be tried along with H.M.O.P.No.327 of 2017. The respondent-husband filed H.M.O.P.No.290 of 2017 on the file of the Subordinate Court, Poonamallee for restitution of conjugal rights. The petitioner-wife filed H.M.O.P.No.327 of 2017 on the file of the Family Court, Erode for dissolution of marriage.

2. By order of this Court dated 13.03.2018, the matter was referred to the Mediation Centre, High Court, Madras. Before the Mediation Centre, the parties have arrived at an amicable settlement which was reduced to writing and recorded as Joint Compromise Settlement Memo dated 08.06.2018 signed by both the parties and their respective counsels.

3. The terms of memorandum of compromise are recorded, which is as follows:

"1. The above said petitioner and the respondent most humbly pray and respectfully submit the Joint Compromise Settlement Memo filed before this Hon'ble High Court, Madras and more details as follows:-

2. The respondent herein has filed a petition before the Hon'ble Sub Judge at Poonamallee under Section 9 of the Hindu Marriage Act, 1955 for restitution for conjugal rights in H.M.O.P.No.290 of 2017.

3. It is further stated that the petitioner herein has filed a petition under Section 13(1) (i-a) of the Hindu Marriage Act for seeking divorce/declare the dissolution of the marriage between the petitioner and the respondent dated 04.09.2016 in H.M.O.P.No.327 of 2017.

4. It is submitted that subsequently the petitioner herein has moved a petition for transfer in Civil Miscellaneous Petition under Section 24 of C.P.C in Tr.C.M.P.No.1064 of 2017 before the Hon'ble High Court, Madras, praying the Hon'ble High Court to withdraw the case in H.M.O.P.No.290 of 2017 pending on the file of the Sub Court at Poonamallee and transfer the same to the file of Family Court at Erode to try along with the case in H.M.O.P.No.327 of 2017.

5. It is further submitted that the said Tr.C.M.P.No.1064 of 2017 was referred to Mediation Centre for a compromise and settlement.

6. It is further submitted by the petitioner and the respondent herein that this matter has been settled before the Mediation Centre as per the advise of the parents, family elders and relatives of both sides i.e. the petitioner and the respondent herein and the witnesses concerned.

7. It is submitted by both parties i.e. the petitioner and the respondent herein that as per the compromise settlement, the respondent had handed over all the marriage gifts, sreedhana properties (Brass, silver, scooty vehicle, laptops, stone and iron items, plastic gift items, cotton materials and jewellery items) to the petitioner herein in the presence of

parents/relatives and witnesses of the petitioner herein on 29.04.2018. The petitioner had acknowledged the receipt of the above articles.

8. It is submitted by both parties herein that as per the compromise settlement before the Mediation Centre, the respondent herein had issued a D.D. for Rs.65,000/- (Rupees sixty five thousand only) drawn on ICICI Bank, Annanagar brach, Chennai vide DD.No.515010 dated 01.06.2018. This amount is full and final settlement to the petitioner herein and the petitioner acknowledges the receipt of the said amount and the petitioner will not claim any amount or any kind from the respondent herein in future.

9. It is submitted by both parties herein that both parties fully consent and agree to withdraw the case which is filed by the respondent herein in H.M.O.P.No.290 of 2017 on the file of the Sub Court, Poonamallee.

10. It is submitted by both parties herein the petitioner has filed a case in H.M.O.P.No.327 of 2017 before the Family Court, Erode and the above case is posted for enquiry and both parties agree to let in evidence without any allegations mentioned in the petition and the counter statement and record their compromise and obtain an order of divorce in terms of the compromise."

4. In view of the above Settlement arrived at between the parties, the Transfer Civil Miscellaneous Petition is disposed of. The above said terms of agreement are recorded. The Joint Compromise Settlement Memo dated 08.06.2018 shall form part of the order. No costs. Consequently, connected miscellaneous petition is closed.

*The xerox copy of the
Joint Memorandum of Compromise enclosed

WEB COPY

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Subordinate Court,
Poonamallee
2. The Family Court,
Erode.

+1cc to Mr.C.Prabakaran, Advocate Sr.39520

Tr.C.M.P.No.1064 of 2017
and
C.M.P.No.21684 of 2017

kgk[co]
srg 26/07/2018



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