

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.403 of 2017
and
C.M.P.No.7967 of 2017

Indumathy ... Petitioner

versus

Seenuvasan ... Respondent

Prayer: The transfer petition is filed under Section 24 of C.P.C. praying to withdraw and transfer H.M.O.P.No.605 of 2016 from the file of Sub Court, Poonamallee to Sub Court, Thiruvannamalai.

For petitioner : Mr.K.Venkatesan

For Respondent : Mr.G.RM.Palaniappan

O R D E R

Earlier, this Court, on 30.11.2017 had directed the matter to be placed before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras. Accordingly, the parties have appeared before the Mediation Centre, Chennai, resolved their disputes and settled between them as per the Joint Memorandum of Compromise, signed by both the parties and their respective counsels dated 15.02.2018.

2. The Joint Memorandum of Compromise is taken on record, which read as follows:

1. The respondent shall file an affidavit stating that the allegations made against the petitioner in H.M.O.P.No.605 of 2016 filed by the respondent against the petitioner are all false and that the respondent withdraws all such allegations and averments.

2. The respondent agrees to withdraw the above H.M.O.P.No.605 of 2016, when the matter is taken up for hearing on 22.02.2018.

3. The petitioner shall file an affidavit stating that the allegations made against the respondent in the proceedings initiated by her in M.C.No.196 of 2018, on the file of the II Judicial Magistrate Court, Thiruvannamalai are all false and hence the petitioner withdraws all such averments and allegations.

4. The petitioner withdraws the above in M.C.No.196 of 2018 on the file of the II Judicial Magistrate Court, Thiruvannamalai on 05.03.2018 when the matter is coming up for hearing.

5. The petitioner and the respondent agree to file a petition for a decree of consent divorce before the Principal Judge, Thiruvannamalai and the parties further agree that they would co-operate each other in signing and preparation of the petition for mutual consent divorce under Section 13-B of the Family Courts Act.

6. The petitioner shall permit the respondent to visit his child viz., Lingeswaran once in a month at the place that would be intimated by the petitioner to the respondent two days prior to the date of visit of child.

7. The petitioner and the respondent agree not to claim anything from each other out of the wedlock between the petitioner and the respondent in future.

8. The petitioner is not claiming any permanent alimony from the respondent. The petitioner only claims litigation expenses of a sum of Rs.2.50 lakh in connection with the present matrimonial disputes between the parties and the same would be payable by the respondent to the petitioner by way of a Demand Draft drawn in favour of the petitioner.

9. The petitioner and the respondent assured to each other that they would not make any claim with regard to the matrimonial relationship between the petitioner and the respondent in future.

10. The petitioner and the respondent agree that they would not interfere or cause any disturbance of any kind in each other's life.

11. The petitioner and the respondent agree that they would not make any allegations comments against each other in future amongst any of their relations or friends, in respect of their matrimonial issues.

12. The petitioner and the respondent once again confirm that there is no other claim is pending and that they would not make any claim against each other in future.

13. The petitioner and the respondent hereby confirms that they have entered into this Memorandum of Understanding without anybody's influence, threat or coercion and on their own volition. The parties hereby agree to act upon this Memo of Compromises in its letter and spirit.

The above said terms of compromise are recorded.

3. Heard the learned counsels appearing on behalf of the parties.

4. In view of the above settlement arrived at between the parties, the Transfer Civil Miscellaneous Petition is disposed of in terms of the Memorandum of Compromise. The said Memorandum of Compromise shall form part and parcel of the order. No costs. Consequently, connected miscellaneous petition is closed.

(XEROX COPY OF JOINT MEMO OF COMPROMISE IS ENCLOSED)

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

dpq
To

1. The Sub Court,
Poonamallee.
2. The Sub Court,
Thiruvannamalai.

Tr.C.M.P.No.403 of 2017
and
C.M.P.No.7967 of 2017

SSV(CO)
TR(12/04/2018)