

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.932 of 2017
and C.M.P.No.18746 of 2017

T.Pushpa

... Petitioner

Vs.

B.Satheesh Kumar

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the H.M.O.P. No.2055 of 2016 on the file of the VI Additional Family Court, Chennai and to transfer the same to the Subordinate Court, Cuddalore.

For Petitioner : Mr.T.Aananthi
For Respondent : Mr.T.S.Selvarani

O R D E R

This petition is filed to withdraw the H.M.O.P. No.2055 of 2016 on the file of the VI Additional Family Court, Chennai and to transfer the same to the Subordinate Court, Cuddalore.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 26.01.2016 at Arulmighu Vadapalani Andavar Thirukoil, Vadapalani, Chennai - 600 026 as per Hindu rites and customs. Due to difference of opinion, both of them are living separately. Both the parties have initiated number of proceedings with regard to marriage and also civil & criminal cases. The petitioner/wife has filed the present Tr.CMP. to transfer H.M.O.P.No.2055 of 2016 from the file of VII Additional Family Court, Chennai, to the file of Sub Court, Cuddalore.

3. When the matter is taken up for hearing, the petitioner and respondent appeared before this Court and submitted that there is no possibility of living together as husband and wife and by intervention of friends and relatives, all the matters between them were settled amicably and prayed for dissolving the marriage conducted on 26.01.2015. Both the petitioner and respondent filed memo of compromise dated 12.04.2018. The

parties appeared before this Court alongwith their respective counsel and submitted

that they have signed the memo of compromise voluntarily without any compulsion and coercion by any body.

4. Being satisfied that the matter has been amicably settled, memo of compromise is recorded. H.M.O.P.No.2055 of 2016 filed by the respondent and I.A.No.2709 of 2017 filed by the petitioner, both pending on the file of VII Additional Family Court, Chennai are ordered to be withdrawn to the file of this Court by invoking power under Article 227 of the Constitution of India. H.M.O.P.No.2055 of 2016 on the file of the VII Additional Family Court, Chennai filed by the respondent/husband for divorce is treated as petition under Section 13B of Hindu Marriage Act and decree is granted by mutual consent of both the parties. All other petitions are dismissed as withdrawn.

5. Further, it is made clear that both the parties consented to withdraw the allegations made against each other. A decree of divorce is therefore granted by consent in H.M.O.P.No.2055 of 2016 under Section 10-A of the Divorce Act 1869.

6. With the above direction, this Transfer Civil Miscellaneous Petition is closed. H.M.O.P.No.2055 of 2016 is treated as petition under Section 13B of the Hindu Marriage Act and I.A.No.2709 of 2017 filed by the petitioner is dismissed as withdrawn.

7. Accordingly, this Transfer Civil Miscellaneous petition is closed. The memo of compromise shall form part of the order. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

rgr

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To

1.The VII Additional Judge,
Family Court,
Chennai.

2.The Subordinate Court, Cuddalore.

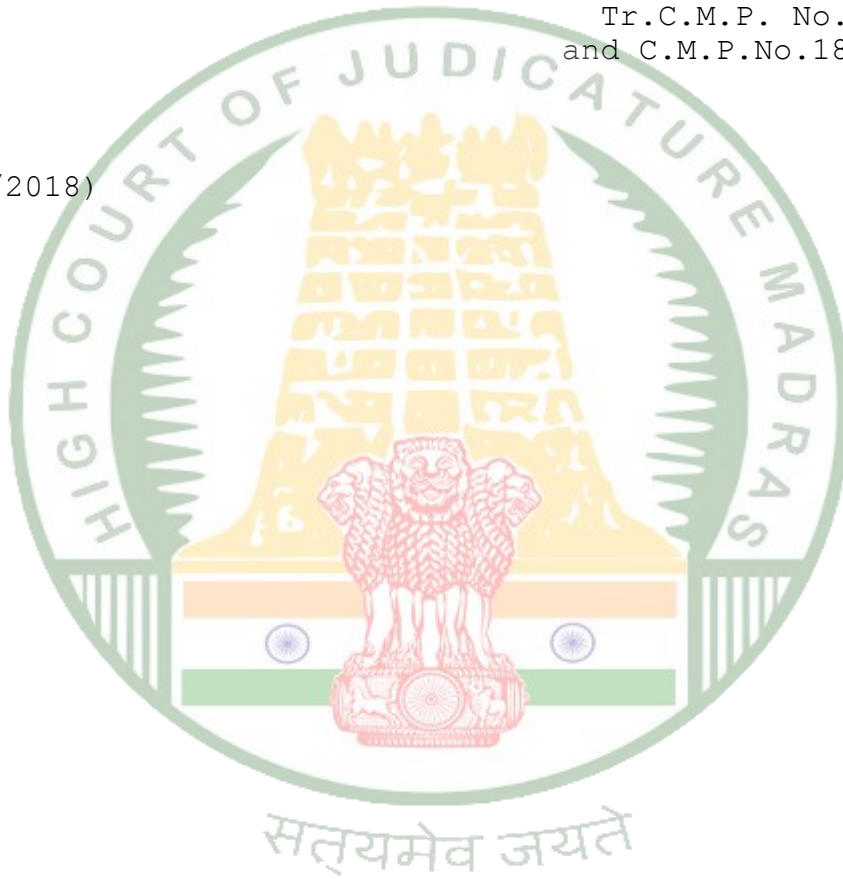
+1cc to Mr.T.S.Selvaraj, Advocate, S.R.No.27761

+1cc to Mr.T.Aananth, Advocate, S.R.No.27197

Tr.C.M.P. No.932 of 2017
and C.M.P.No.18746 of 2017

CNR(CO)

RRK(17/05/2018)



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