

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.104 of 2018
and C.M.P.No.3043 of 2018

A.Radhika

...

Petitioner

Vs.

M.Anantharaj

...

Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.112 of 2017 pending on the file of the Principal Sub Court, Tindivanam and transfer the same to the Principal Family Court, Chennai.

For Petitioner : Mr.S.Jaganathan
For Respondent : Ms.S.A.Kanmani for
Ms.A.L.Ganthimathi

O R D E R

This petition is filed to withdraw H.M.O.P.No.112 of 2017 pending on the file of the Principal Sub Court, Tindivanam and transfer the same to the Principal Family Court, Chennai.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 25.03.2012 as per Hindu rites and customs. In the wedlock, a female child was born on 14.02.2013. 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.C.M.P. to transfer H.M.O.P.No.112 of 2017 filed by the respondent pending on the file of Principal Sub Court, Tindivanam, to the file of Principal Family Court, Chennai.

3. When the matter is taken up for hearing, both the learned counsel appearing for the petitioner and respondent submitted that all the matters between the petitioner and respondent were

settled amicably and prayed for dissolving the marriage conducted on 25.03.2012. Both the petitioner and respondent appeared before this Court, filed joint memo of compromise dated 31.07.2018 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.112 of 2017 filed by the respondent pending on the file of the Principal Sub Court, Tindivanam and D.V.No.16 of 2017 filed by the petitioner pending on the file of XVII Metropolitan Magistrate Court, Saidapet, are ordered to be withdrawn to the file of this Court by invoking power under Article 227 of the Constitution of India.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.112 of 2017 on the file of the Principal Sub Court, Tindivanam filed by the respondent/husband for restitution of conjugal rights 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 including D.V.No.16 of 2017 are dismissed as withdrawn.

5. So far as Clause 5 of the compromise memo is concerned, parties have to approach the learned Judge having jurisdiction to deal with CrI.O.P.No.22528 of 2017 and obtain appropriate orders.

6. 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.112 of 2017 under Section 13B of Hindu Marriage Act.

7. Accordingly, with the above directions, 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.

Post the Tr.C.M.P. for reporting compliance on 12.11.2018.

*Enclosed xerox copy of the Memo of compromise.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

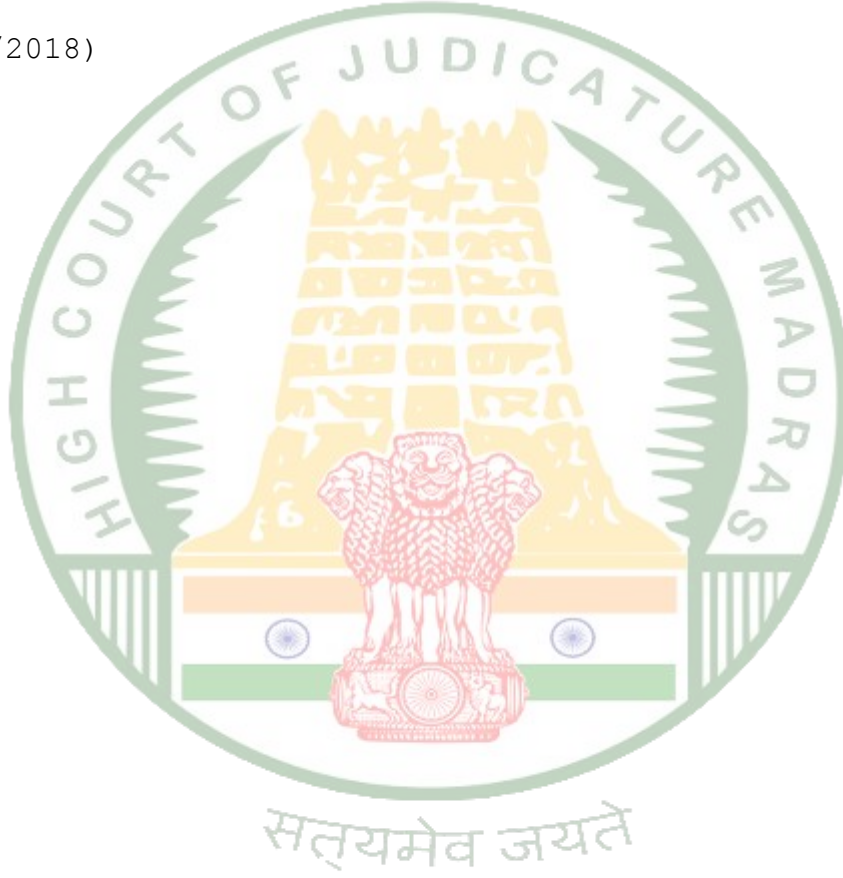
To

1.The Principal Subordinate Judge, Tindivanam.

+1cc to Mr.AL.Ganthimathi, Advocate, S.R.No.52641

Tr.C.M.P. No.104 of 2018
and C.M.P.No.3043 of 2018

KS (CO)
GSP (31/08/2018)



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