

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2018

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.Nos.51 and 75 of 2018
and C.M.P.Nos.1395 and 2195 of 2018

Navaneethakrishnan .. Petitioner in Tr.CMP No.51/2018/
Respondent in Tr.CMP No.75/2018

Vs.

V.Sudha .. Respondent in Tr.CMP No.51/2018/
Petitioner in Tr.CMP No.75/2018

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Prayer in Tr.C.M.P.No.51 of 2018 : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw and transfer the H.M.O.P.No.73 of 2017 on the file of Sub Court, Thirupathur, Vellore District, and to be tried along with H.M.O.P.No.36 of 2017 on the file of the Subordinate Court, Kancheepuram.

Prayer in Tr.C.M.P.No.75 of 2018 : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw the H.M.O.P.No.36 of 2017 pending on the file of Subordinate Judge, Kancheepuram, Kancheepuram District, and transfer the same to the Subordinate Court, Thirupathur, Vellore District.

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For Petitioner in Tr.: Mr.P.Settu
CMP No.51/2018/ for M/s.C.Umashankar
Respondent in Tr.
CMP No.75/2018

For Respondent in : Mr.D.Ajithkumar
Tr.CMP No.51/2018/
Petitioner in Tr.
CMP No.75/2018

COMMON ORDER

The husband in the matrimonial dispute has filed Transfer Civil Miscellaneous Petition No.51 of 2018 seeking transfer of H.M.O.P.No.73 of 2017, pending on the file of Sub Court, Thirupathur, Vellore District, and to be tried along with H.M.O.P.No.36 of 2017 on the file of the Subordinate Court, Kancheepuram.

2. The wife has filed Transfer Civil Miscellaneous Petition No.75 of 2018 seeking withdrawal of H.M.O.P.No.36 of 2017 pending on the file of Subordinate Judge, Kancheepuram, Kancheepuram District, and transfer the same to the Subordinate Court, Thirupathur, Vellore District.

3. The learned counsel for the parties filed a Joint Memorandum of Compromise dated 23.07.2018 agreeing for the following arrangement :

"(a) As per the directions of the learned Mediators, the husband Mr.Navaneethakrishnan had already handed over jewelleries of the wife Mrs.V.Sudha measuring 152 grams of gold and also handed over all the articles and dresses belonging to Mrs.V.Sudha, further there are no articles or jewels or belonging of the wife is with husband for receipt of these articles, dresses and jewellery an acknowledgement given by Mrs.V.Sudha to Mr.Navaneethakrishnan, on three occasions dated 24.04.2018, 17.06.2018 and 26.06.2018.

b) Parties herein have agreed to dissolve their marriage dated 18.08.2011 by filing a petition for mutual consent for divorce under Section 13(b) of Hindu Marriage Act, 1955. It is agreed between the parties that all the cases pending between them will be withdrawn simultaneously.

c) It was agreed by the husband that he will pay Rs.10 lakhs as permanent alimony and the wife agrees to receive the same in full quit of her claims against the husband in all aspects including past, present and future maintenance.

d) Parties hereby agree that the said agreed amount of Rs.10 lakhs (permanent alimony) on the date of filing of this joint memorandum of compromise the husband Mr.Navaneethakrishnan shall pay Rs.2,00,000/- (Rupees Two Lakhs only) by way of D.D.No.153698 drawn on Indian Overseas Bank, Irungattukottai Branch, to the wife Mrs.V.Sudha and on the date of the filing of the petition for mutual consent divorce the husband shall pay Rs.3,00,000/- (Rupees Three Lakhs only) and on the date of passing of the decree for dissolution of marriage the husband shall pay the balance amount of Rs.5,00,000/- (Rupees Five Lakhs only). On payment of entire amount of Rs.10 lakhs the husband is relieved from payment of any amount to wife either at present or in future either towards maintenance or alimony or under any other head.

e) The parties are not having any articles, jewels or any other thing belongs to each other.

The wife Mrs.V.Sudha makes it very clear that she will not claim any past or present or future maintenance from his husband Mr.Navaneethakrishnan except as in the clause d) mentioned in this joint memorandum of compromise.

f) There is a property at Plot No.11, at Marshall Nagar, Kobarasanallur Village, Poonamallee Taluk, Thiruvallur District, was purchased by the husband Mr.Navaneethakrishnan which stands on the names of Mrs.V.Sudha and Mr.Navaneethakrishnan husband and wife. The wife Mrs.V.Sudha has now agreed to execute the necessary release deed in favour of Mr.Navaneethakrishnan on the date fixed by the husband, preferably on the date of filing of mutual consent Divorce petition.

g) The parties have no other claim against each other.

h) The parties agree to abide by the terms of this compromise memo and further agree that this joint memorandum of compromise may kindly be recorded and orders may be passed in terms of this memorandum of compromise which shall form part of the order.

i) The parties agree to bear their own costs."

4. The above Joint Memorandum of Compromise dated 23.07.2018 shall form part and parcel of this order.

5. Recording the same, these Transfer Civil Miscellaneous Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Court,
Thirupathur, Vellore District.

2. The Subordinate Court, Kancheepuram.

Tr.C.M.P.Nos.51 and 75 of 2018

NR 13/08/2018



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