

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.98 of 2018
and C.M.P.No.2769 of 2018

P.Savitha ... Petitioner

versus

H.Karthikeyan ... Respondent

Prayer: The transfer petition is filed under Section 24 of C.P.C. praying to withdraw and transfer H.M.O.P.No.766 of 2017 on the file of the Sub Court, Tambaram to the Sub Court, Arni to be tried along with H.M.O.P.No.125 of 2017 pending on the file of Sub Court, Arni.

For petitioner : Mr.P.Satheesh Kumar

For Respondent : Mr.G.Karthik

O R D E R

Earlier, this Court, on 13.02.2018, had directed the Registry to place the matter before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras. Accordingly, the parties have appeared before the Mediation Centre, Chennai and resolved their disputes and had entered into a Memorandum of Compromise on 12.03.2018. The said Memorandum of Compromise has been signed by the petitioner-wife and respondent-husband and also their respective counsels.

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

"1.The petitioner got married with the respondent on 19.10.2015 at A.D.B.Thirumanamandapam, Arni. The marriage was an arranged one and it was celebrated following the Hindu ritual rites.

2. The petitioner respectfully states that she filed H.M.O.P.No.125 of 2017 in the Sub Court, Arni, for a declaration that marriage between her and respondent is null and void. The respondent herein

has also filed H.M.O.P.No.766 of 2017 in the Sub Court, Tambaram for dissolution of marriage on the ground of cruelty.

3. This Hon'ble Court by order dated 13.02.2018 was pleased to refer the matter to the mediation centre for parties appearance on 26.02.2018. The matter called before the mediation centre on 26.02.2018 and subsequently on 07.03.2018 and the respective parties appeared. The parties have entered into a compromise by amicable settling their disputes and report the same before the Mediation Centre today (12.03.2018).

4. Both the petitioner and the respondent hereby agree to withdraw their respective petitions filed before the respective courts and agree to file petition for divorce by mutual consent before the Family Court at Chennai and shall file necessary petitions before the said Court.

5. The respondent herein agrees to pay a sum of Rs.5,00,000/- (Rupees five lakhs only) towards the permanent alimony to the petitioner..

6. Both the parties hereby agree not to claim any past, present and future alimony except the above sum mentioned and further agree not to make any claim against each other."

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

4. Earlier, the petitioner had filed H.M.O.P.No.125 of 2017 before the Sub Court, Arni for declaration that the marriage is null and void and the respondent-husband has filed H.M.O.P.No.766 of 2017 on the file of the Sub Court, Tambaram for dissolution of marriage on the ground of cruelty.

5. As per the above Memorandum of Compromise, the parties have agreed to file a petition for divorce by mutual consent before the Family Court at Chennai under Section 13(B) of the Hindu Marriage Act. To enable the parties to file the petition before the Family Court, Chennai, both the H.M.O.P.No.766 of 2017 and H.M.O.P.No.125 of 2017 shall be transferred to any of the Family Courts in Chennai.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.766 of 2017 pending on the file of the Sub Court, Tambaram and H.M.O.P.No.125 of 2017 pending on the file of the Sub Court, Arni are ordered to be withdrawn and

transferred to any one of the Family Courts in Chennai. The said Memorandum of Compromise shall form part and parcel of the order. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

srn

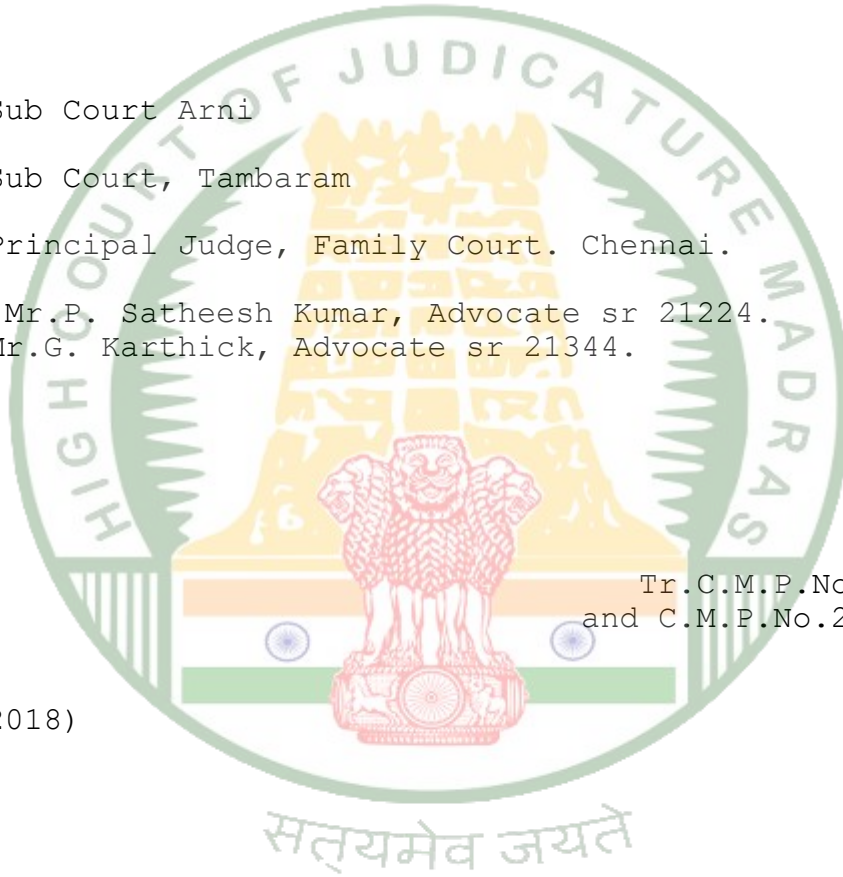
To

1. The Sub Court Arni
2. The Sub Court, Tambaram
3. The Principal Judge, Family Court. Chennai.

+2 Ccs to Mr.P. Satheesh Kumar, Advocate sr 21224.
+2 CC to Mr.G. Karthick, Advocate sr 21344.

RR(CO)
SP(09/04/2018)

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