



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2018

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P (MD) .No.11 of 2018

and

C.M.P (MD) No.289 of 2018

V.Shivakami

... Petitioner/Respondent

Vs.

VR.Chockalingam

... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw and transfer HMOP.No.1680 of 2017 on the file of the learned Additional Family Court Judge, Coimbatore to the Court of learned Subordinate Judge, Devakottai.

For Petitioner	:	Mrs.T.Banumathy
For Respondent	:	Mr.S.Madhavan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of HMOP.No.1680 of 2017, from the file of the learned Additional Family Court Judge, Coimbatore, to the Court of learned Subordinate Judge, Devakottai.

2. The learned Counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 22.05.2015. They lived together happily at Coimbatore and thereafter, they went to Netherlands. As there was a difference of opinion, the respondent sent the petitioner back to Coimbatore. The petitioner's parents tried to compromise with the respondent and his parents, but all their attempts became futile. Therefore, the petitioner filed HMOP No.157 of 2017 before the Subordinate Court, Devakottai, seeking divorce. Subsequently, the respondent filed HMOP No.1680 of 2017 before the Additional Family Court, Coimbatore to grant a decree of nullity by annulling the marriage, which is said to be pending. The petitioner is residing at Bangalore and not able to go to Coimbatore, which is far away from her residence and therefore, she has come forward with the present petition for transfer.



3. At the instance of both side Counsel, the matter was referred to mediation centre and Mediation report also received.

4. Today, when the matter came up for hearing, learned counsel for the petitioner as well as the respondent would submit that the parties have come to an amicable settlement by which, the respondent/husband paid a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) through demand draft, to the petitioner/wife towards her life time permanent alimony. Both the parties have filed a joint compromise memo to that effect, which reads as follows:

"1.The respondent husband agreed to withdraw his HMOP No.1680 of 2017 pending on the file of Hon'ble Family Court, Coimbatore.

2.The respondent/husband agreed to give consent for grant of divorce in HMOP No.157 of 2017 filed by the petitioner/wife before the Hon'ble Principal Subordinate Judge, Devakottai. The petitioner agreed to withdraw the I.A.Nos.209, 210 and 211 of 2017 in HMOP No.157 of 2017 on the file of Principal Subordinate Judge, Devakottai.

3.Both parties have taken return of their respective articles/jewels/properties from the other party and there is no future claim in respect of the same.

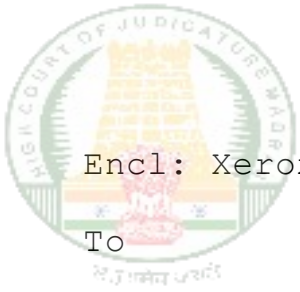
4.Respondent/Husband paid Rs.20,00,000/- (Rupees Twenty Lakhs only) to the petitioner / wife towards her life time lumpsum permanent alimony and the wife received the same through ICICI D.D.No.500419 dated 27.02.2018 and she undertaken that she will not claim any amount towards either maintenance or for any other claim in future."

5. In view of the above settlement between the parties, this Civil Revision Petition is closed. The joint compromise memo shall form part of this order. No costs. Based on the joint compromise memo the learned Principal Subordinate Judge, Devakottai is directed to dispose of HMOP No.157 of 2017, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



Encl: Xerox Copy of joint compromise memo

To

The Principal Subordinate Judge,
Devakottai.

+2cc to Mrs.T.Banumathy, Advocate Sr.No.53386

+1cc to Mr.S.Madhavan, Advocate Sr.No.52782

RM

VB/KK/SAR3/20.03.2018/3P/5C

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