



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Tr.C.M.P. (MD) .No.231 of 2018

and

C.M.P. (MD) No.5880 of 2018

Chinna Alamu

... Petitioner

Vs.

Balasubramanian

... Respondent

PRAYER : Petition filed under Section 24 of Civil Procedure Code to pass an order to withdraw the case in H.M.O.P.No.53 of 2017 on the file of the learned Subordinate and Assistant Court, Devakottai and transfer the same to the file of the Family Court at Coimbatore.

For petitioner : Mr.P.Venkat Subramanian

For Respondent : Mr.S.Srinivasa Raghavan

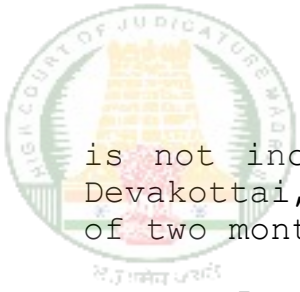
ORDER

The petitioner and the respondent got married on 28.08.1995. Two children were born through the wedlock. It appears that 22 years after the solemnization of marriage, wisdom dawned on both the parties. The respondent filed H.M.O.P.No.53 of 2017 before the Sub Court, Devakottai, seeking divorce. The revision petitioner filed her counter stating that they are living separately from each other for the past four years and the marriage is broken and that she is ready to give consent for the dissolution of the marriage. It appears that a memorandum of understanding dated 04.03.2017 was entered into between the parties.

2.The learned counsel appearing for the respondent affirms before this Court that the respondent would adhere to the terms set out in the memorandum of understanding.

3.Therefore, considering these aspects, this Court is of the view that there is no need for transferring the H.M.O.P.No.53 of 2017 from Sub Court, Devakottai.

4.Usually, when a woman files an application for transfer, the learned Counsel for the respondent allow the same. But then in this case, in view of the specific stand taken by the revision petitioner herein that she is ready to give consent for the dissolution of marriage, this Court



is not inclined to allow this petition. However, the Sub Judge, Devakottai, shall dispose of H.M.O.P.No.53 of 2017, within a period of two months from the date of receipt of a copy of this order.

5. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

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To

1. Sub Judge, Devakottai.

+1cc to Mr.S.Srinivasa Raghavan, Advocate in SR No.84955

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NM/PM/SAR IV/22.10.18/2P/3C