

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2019

C O R A M

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P. No.369 of 2019
and
C.M.P.No.10397 of 2019

Dr.J.Bavithra

... Petitioner

Vs.

Dr.G.Arun

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to withdraw the case in OP. No.4807 of 2018 on the file of the V Additional Family Court, Chennai and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.K.V.Ramesh

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the case in OP. No.4807 of 2018, on the file of the V Additional Family Court, Chennai and transfer the same to the Family Court, Coimbatore.

2. The respondent and petitioner are the husband and wife. The respondent has filed a petition for dissolution of marriage in H.M.O.P.No.4807 of 2018, on the file of the V Additional Family Court, Chennai. The wife has filed the present transfer miscellaneous petition before this Court.

3. Pending the present transfer petition before this Court, the parties have negotiated between themselves and arrived at a mutually agreeable settlement. As agreed by the parties, the respondent/husband has taken the petitioner/wife to the matrimonial home and that both the respondent/husband and the petitioner/wife are living together happily.

4. Both the parties mutually agreed to withdraw the allegation and counter allegation made against each other and also agreed for disposal of the respective petitions filed by them. The joint compromise memo filed by the petitioner as well as the respondent is as follows:

'The petitioner further submits that the matter came before the Hon'ble Mediation on 01.11.2019 on that day due to unavoidable circumstances the petitioner was not present on that day but the counsel on record of the petitioner was present and sought adjournment for reporting settlement on 22.11.2019.

The petitioner further submits that the Tr.C.M.P.No.369 of 2019 filed by the petitioner against the respondent (husband - 2nd part) in the above Tr.C.M.P. And both parties agreed to compromise by way of reunion of matrimonial life. The petitioner undertakes to withdraw the Tr.C.M.P. and at the same time after the withdrawal of the transfer civil miscellaneous petition the respondent agreed to withdraw the HMOP. No.4807 of 2018 pending before VII Family Court and he is ready to withdraw the HMOP. No.4807 of 2018 on coming next hearing of before the Family Court and on the same day filing the compromise memo before the Family Court and the same matter was going to be settled by way of reunion. Both the parties agreed to sign in this memo for joint compromise and both the parties signed with own conscious and there is no undue influence or coercion.'

5. The Compromise Memo has been filed by the parties shall form part of the record. In view of the submissions made by both the parties, the petition in H.M.O.P.No.4807 of 2018 on the file of the V Additional Family Court, Chennai is dismissed as infructuous.

7. With the above observation and direction, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar(CJ conf)

//True Copy//

Sub Assistant Registrar

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To

The V Additional Family Court, Chennai.

TR C.M.P. No.369 of 2019
and
C.M.P.No.10397 of 2019

PM(CO)
CB(23/01/2020)