

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

C O R A M

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P. No.740 of 2019
and
C.M.P.No.20765 of 2019

Archana

... Petitioner

Vs.

Sakthivel

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to withdraw the H.M.O.P.No.160 of 2019 from the file of Subordinate Court, Thirupattur, Vellore District and to transfer the same to the file of the V Additional Family Court, Chennai to try along with the HMOP.No.2636 of 2019.

For Petitioner : Mr.R.Prabakar

For Respondent : Not ready notice

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the HMOP. No.160 of 2019 on the file of Subordinate Court, Thirupattur, Vellore District and to transfer the same to the file of the V Additional Family Court, Chennai to try along with the HMOP.No.2636 of 2019.

2. The respondent and petitioner are husband and wife. The respondent has filed a petition for dissolution of marriage in H.M.O.P.No.160 of 2019 before the Sub Court, Thirupattur. The petitioner has also filed a maintenance case in HMOP.No.2636 of 2019 before the V Additional Family Court, Chennai.

3. Pending the present transfer petition before this Court, on 30.10.2019 the matter was referred to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras for settlement. The parties entered into memorandum of understanding before the Mediators and have filed memorandum of understanding duly signed by the parties and attested by their respective counsel. The said memorandum of understanding is extracted as under:-

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding entered into at Chennai on this the day of 13th day of November 2019.

By and Between Mr.A.Sakthivel, Hindu, aged about 35 years, S/o.Mr.Arumugam, residing at No.158, Vinayaga Nagar, Kundepalli Village, Nadupatti Post, Bargur Taluk, Krishnagiri District - 635 203, herein referred as the "PARTY OF THE FIRST PART"

and Mrs.Archana, Hindu, aged about 25 years, W/o.Mr.A.Sakthivel, D/o.Mr.Subramani, residing at No.1300, 9th street, LIG - I, TNHB Colony, Erikarai Road, Velacherry, Chennai 600 042, hereinafter referred as the "Party of the Second Part"

The terms "Party of the First Part" and "The party of the second part" whereas the parties hereto have settled their issues amicably among themselves and entered into this memorandum of compromise as follows:

Whereas the party of the First Part and Second Part are legally wedded husband and wife.

Whereas the marriage of the parties was solemnized on 25.06.2018 according to the Hindu rites and rituals at E.R.Thirumana Mandapam bearby Thirupattur.

Whereas difference of opinions cropped up between the parties of the first and second part due to some misunderstanding in marital life, since the parties could now arrive at a solution with the assistance of the well wishers and family members they had resorted to living together here after.

Whereas the parties patiently took efforts for a settling the differences for a long time with the assistance of the mediators and now entering into a understanding.

The above said memorandum of understanding is entered into between the parties hereto purely out of their free will and volition and without anybodies compulsion.

Whereas the party of the first part/husband filed a petition for Divorce in H.M.O.P.No.160 of 2019 on the file of the Hon'ble Sub Court, Thirupattur.

The paty of the second part/wife filed a petition for restitution of conjugal rights in H.M.O.P.No.2636 of 2019 on the file of the Hon'ble V Additional Family Court, Chennai and further she has also filed petition for transfer petition in Tr.CMP.No.740 of 2019 before the Hon'ble High Court, Madras to transfer the

H.M.O.P.No.160 of 2019 from Sub Court, Tiruppatur to Family Court, Chennai and the same is pending.

Now both parties came forward to be in an amicable manner in effect of the advises of the family elders, Mediators, Counsellors and well wishers of both the parties while retaining their respective stands with regard to the conduct of the parties.

Whereas the parties of both the parts herein are desirous of reducing the terms and conditions of this Memorandum of Understanding into writing as follows:

Now this deed of Memorandum of Understanding witnesseth as follows:

1. That the party of the first part hereby undertakes to withdraw the allegations made in the petition as well as the petition for Divorce in H.M.O.P.No.160 of 2019 pending on the file of the Hon'ble Sub Court, Thiruppattur, forthwith.

2. The party of the second part hereby undertakes to withdraw the allegations made in the petition in H.M.O.P.No.2636 of 2019 pending on the file of the Hon'ble V Additional Family Court, Chennai on the date of next hearing or any other date. The H.M.O.P.No.2636 of 2019 is for restitution of conjugal rights and the same may be decreed in terms of this memorandum of understanding.

3. That both the parties will start a peaceful life and will not speak about the past bitter things, which will lead to differences between the parties.

4. The parties hereby agree and confirm that, if any differences of opinion arises between them, they themselves will resolve the differences and they should not take the same to their respective parents and relatives.

5. The parties hereby agree and confirm, undertakes that the parties will not allow their respective parents or relatives to interfere in any way in the future family life of the parties.

6. That the parties shall not reopen or alter the terms of the above Memorandum of Understanding under any circumstances and shall undertake to oblige the same.

4. Both the parties mutually agreed to withdraw the allegation and counter allegations made against each other and also agreed for disposal of the respective petitions filed by them.

5. In view of the submissions made by both the parties, both H.M.O.P.No.160 of 2019 on the file of the Sub Court,

Thirupattur and HMOP.No.2636 of 2019 on the file of the V Additional Family Court, Chennai are dismissed as infructuous.

6. The memorandum of understanding dated 13.11.2019 is taken on record and the same shall form part of the order. Accordingly, with the above direction and observation the Transfer Civil Miscellaneous Petition stands disposed of in terms of Memorandum of Understanding. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Subordinate Judge,
Thirupattur, Vellore District
2. The V Additional Judge,
Chennai.

TR C.M.P. No.740 of 2019
and
C.M.P.No.20765 of 2019

VD(CO)
CB(30/12/2019)