

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019

C O R A M

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P. No.887 of 2018  
and  
C.M.P.No.21838 of 2018

S.Kalpana

... Petitioner/ Respondent

Vs.

V.Thanigaiarasu

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to withdraw the case in HMOP. No.87 of 2018 on the file of the Sub Court, Cheyyar and transfer the same to the Sub Court, Tambaram.

For Petitioner : Mr.R.Praburam  
For Respondent : Mr.M.Rajendiran

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the case in HMOP. No.87 of 2018 on the file of the Sub Court, Cheyyar and transfer the same to the Sub Court, Tambaram.

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.87 of 2018, on the file of the Sub Court Cheyyar to the file of the Sub Court, Tambaram. The wife has filed the 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. Both the parties submitted that they have agreed to file an application for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 on the file of the Sub Court, Cheyyar.

4. Both the parties submitted that the minor daughter viz., Tejaswini is under care and custody of the petitioner and the respondent has also agreed for the same, provided with

visiting right of the respondent for every first Sunday of every month. They have also undertook to file a memorandum of Compromise in this regard.

5. The joint compromise memo filed by the petitioner as well as the respondent is as follows:

'a) Both the parties submit that the respondent had agreed to withdraw the HMOP. No.87 of 2018, on the file of the Sub Court, Cheyyar on 16.04.2019.

b) Both the parties submit that they agreed to file an application for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955, on the file of the Sub court, Cheyyar.

c) Both the parties submit that the petitioner shall have the custody of the minor daughter named as Tejaswini and the respondent also agreed for the same, provided with visiting rights of the respondent for every first Sunday of every month.'

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, this transfer civil miscellaneous petition become infructuous.

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

\*Here enclosed the Joint compromise memo xerox

Sd/-

Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते  
Sub Assistant Registrar

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To

The Sub Court, Cheyyar.

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and

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A.SK(17/02/2020)