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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR.C.M.P(MD)No.40 of 2019

and

C.M.P(MD)No.1188 of 2019

J.G.D.Jonila

... Petitioner/
Respondent

Vs.

F.Ugin Roserio

... Respondent/
Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw I.D.O.P.No.60 of 2018 pending before the Family Court, Trichy, and transfer the same to the file of the Sub Court, Kumbakonam.

For Petitioner :Mrs.S.Prabha

For Respondent :Mr.D.Rameshkumar

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of I.D.O.P.No.60 of 2018, from the file of the Family Court, Trichy to the file of the Sub Court, Kumbakonam.

2.It is stated in the petition that the marriage between the petitioner and the respondent was solemnized on 29.11.2015. After marriage, both of them lived happily for some time. Later, due to misunderstanding, the respondent herein / husband of the petitioner has filed I.D.O.P.No.60 of 2018 seeking divorce with the false allegations. The grievance of the petitioner is that the respondent being a resident of Trichy has filed the above divorce petition at the Family Court, Trichy, whereas the petitioner is residing at Kumbakonam, along with her aged parents and as she is depending upon her aged parents, it is very difficult for her to travel about 90 kms for attending each and every hearing of the case. Thus, she prayed to transfer I.D.O.P.No.60 of 2018 to the file of the Sub Court, Kumbakonam.

3.Today when the matter is taken up for hearing, on the side of both parties, a joint compromise memo has been filed, wherein it is stated that the matter has been compromised between the parties and the respondent / husband has paid a sum of Rs.8,00,000/- by way of demand drafts to the petitioner / wife. The petitioner / wife agreed to withdraw the case in D.V.C.No.12 of 2018 pending on the file of the Judicial Magistrate Court No.II, Kumbakonam. The



petitioner / wife also agreed to submit decree I.D.O.P.No.60 of 2018 and she will not claim any future maintenance. The respondent / husband also agreed to withdraw the allegations made against the petitioner / wife in I.D.O.P.No.60 of 2018.

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4.Both the learned counsel would submit that both the petitioner / respondent and the respondent / petitioner have settled their disputes in accordance with the terms mentioned in the compromise memo. In the compromise memo, both the parties along with their counsel have signed, accepting the terms of compromise. Under the said circumstances, the compromise memo filed on the side of both parties is recorded and the Transfer Civil Miscellaneous Petition is disposed of in accordance with the terms mentioned in the compromise memo. The memo of compromise shall form part of this order. The learned Judge, Family Court, Trichy, is directed to dispose of I.D.O.P.No.60 of 2018, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T AND P)

// True Copy //

Sub Assistant Registrar(CS)

Encl:Xerox Copy of Joint Compromise Memo.

To

1.The Judge,
Family Court,
Trichy.

2.The Subordinate Judge,
Kumbakonam.

+2cc to Mr.D.Rameshkumar, Advocate, SR.No.55168

ORDER MADE IN
TR.C.M.P (MD) No.40 of 2019
and
C.M.P (MD) No.1188 of 2019

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KK/SAR-/20.03.2019/2P-5C