



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P(MD) .Nos.78 and 157 of 2019

and

C.M.P(MD) Nos.1824 and 3323 of 2019

P.Shanthi ... Petitioner in both the petitions

Vs.

G.Kamaraj Bharathy ... Respondent in both the petitions

PRAYER:- Transfer Civil Miscellaneous Petitions filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw H.M.O.P.Nos.263 of 2017 and 64 of 2019 pending on the file of the Subordinate Court, Pudukkottai and transfer the same to the file of the Subordinate Court, Kumbakonam and the Subordinate Court, Thanjavur respectively.

For petitioner in
both the petitions :Mr.M.R.R.Sivasubramanian

For respondent in
both the petitions :Mr.P.Arun Jayatram

ORDER

These Transfer Civil Miscellaneous Petitions have been filed by the petitioner / wife seeking transfer of H.M.O.P.Nos.263 of 2017 and 64 of 2019 from the file of the Subordinate Court, Pudukkottai to the file of the Subordinate Court, Kumbakonam and the Subordinate Court, Thanjavur respectively.

2.When the matter came up for hearing today, learned counsel appearing for both sides produced a joint compromise memo, dated 04.04.2019, wherein it is stated as follows:

"1.We humbly submit that the marriage between us was solemnized on 23.08.2009 at Pudukkottai as per the Hindu rites and customs. Out of wedlock, we got twin children, aged 5 years old now.

2.We humbly submit that we have settled the matrimonial dispute and we will file divorce petition on mutual consent before the concerned



Court within one week from the order of this Hon'ble Court. In respect of visitation rights to see the children, we jointly undertake that we are ready to give and accept monthly once, on any Sunday with convenience of father and mother.

WEB COPY

3. It is humbly submitted that we accept to withdraw the petition for divorce filed by the petitioner herein in H.M.O.P.No.263 of 2017 and the petition filed by the respondent for Restitution of Conjugal Rights in H.M.O.P.No.64 of 2019 based on this joint compromise memo.

4. It is humbly submitted that this compromise memo is filed jointly out of own own volition."

The learned counsel appearing for both sides submitted that the petitioner is a Judicial Officer and now both the parties agreed to withdraw H.M.O.P.Nos.263 of 2017 and 64 of 2019, which sought to be transferred in these petitions and to file a petition for divorce with consent on the file of the Principal Subordinate Court, Pudukkottai and hence, this Court may direct the Principal Subordinate Judge, Pudukkottai, to dispose of the petition for divorce to be filed by the parties within a stipulated time.

3. The Joint Compromise Memo, dated 04.04.2019, filed by both the parties is recorded. The parties shall abide the terms of the joint compromise memo scrupulously. The Joint Compromise Memo shall be treated as part and parcel of this order. In view of the fact that both the parties agreed to withdraw H.M.O.P.Nos.263 of 2017 and 64 of 2019, which sought to be transferred in these petitions, nothing survives for adjudication in these petitions. However, considering the submission of the learned counsel for both sides that the parties agreed to file divorce petition with consent on the file of the Principal Subordinate Court, Pudukkottai as expeditiously as possible, the learned Principal Subordinate Judge, Pudukkottai is directed to consider petition for divorce with consent to be filed by the parties and dispose of the same, on merits and in accordance with law, within a period of one month from the date of filing of such petition.

4. Both the Transfer Civil Miscellaneous Petitions stand disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (co)

// True Copy //



To

1.The Subordinate Judge, Pudukkottai.

2.The Principal Subordinate Judge,Kumbakonam.

3.The Subordinate Judge,Thanjavur

+1cc to Mr.T.A.EBENEZER ,Advocate, SR.No.59377

+1cc to Mr.P.Arun Jayatram,Advocate, SR.No.59366

TR. C.M.P (MD) .Nos.78 and 157 of 2019
05.04.2019

SP/16.04.2019/ 3P/6C