

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.02.2020
C O R A M
THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Tr.C.M.P.No.881 of 2019
and
C.M.P.No.24211 of 2019

Mrs.P.Kousalya

... Petitioner

Vs

Mr.S.Raguraman

... Respondents

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the H.M.O.P.No.117 of 2019 from the file of the Family Court at Ariyalur and transfer the same to the file of the Sub Court at Poonamallee.

For Petitioner : Mr.V.M.Venkatramana
For Respondent : Mrs.G.Ilamurugu

J U D G M E N T

This Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.117 of 2019 from the file of the Family Court at Ariyalur and transfer the same to the file of the Sub Court at Poonamallee.

2. When the matter came up for hearing on 28.11.2019, the learned counsel appearing on both sides submitted that there is a possibility of amicable settlement between the parties. In view of the said submission, this Court referred the matter for Mediation and both the parties were directed to appear before the Mediation and Conciliation Centre, High Court, Chennai.

3. Today, when the matter is taken up for consideration, the learned counsels appearing on either side submitted that both the parties have compromised the issues among themselves and they have also filed a Joint Memo of Compromise to that effect dated 17.02.2020. The terms of the Joint Memo of Compromise is extracted hereunder:

JOINT MEMO OF COMPROMISE

1. The marriage between petitioner and the respondent was solemnized on 26.01.2015 at PNM Thirumana Mandapam, Caspa, Ariyalur, Ariyalur District. The petitioner and the respondent are blessed with a son Viz., R.K.Dhanesh on 03.11.2015.

2. The petitioner and the respondent had been living separately, since 30.04.2015. Whiles, the respondent filed the H.M.O.P.No.117 of 2019 on the file of the Family Court at Ariyaur seeking restitution of conjugal rights. The petitioner filed the above Tr.C.M.P. seeking to transfer the H.M.O.P.No.117 of 2019 from the file of the Family Court at Ariyalur to be transferred to Sub Court, Poonamallee.

3. The petitioner and the respondent were referred to Mediation by this Court. After negotiations held with the petitioner and the respondent, the petitioner and the respondent agreed and arrived at an amicable settlement and the terms of Settlement is reduced in black and while in this Joint Memo of Compromise. The terms of Settlement are as follows:

A. The petitioner and the respondent agree to file a petition for Divorce by mutual Consent before the Sub Court at Poonamallee within one month from the date of this Joint Memo of Compromise.

B. The respondent agrees to withdraw the H.M.O.P.No.117 of 2019 from the file of the Family Court, Ariyalur in lieu of the Mutual Consent Divorce Petition to be presented at sub Court at Poonamallee.

C. The petitioner and the respondent agree that the custody of the minor son R.K.Dhanesh shall be with the petitioner/mother.

D. The petitioner agrees to give up her claim of maintenance, alimony etc., for herself and for the minor son R.K.Dhanesh in lieu of the respondent not claiming the

custody or visitation rights against the minor son R.K.Dhanesh.

E. The respondent also agrees to give up the right to claim temporary or permanent custody or visitation rights against the minor son R.K.Dhanesh.

F. There shall be no past, present, future claims for alimony or maintenance by the petitioner and there shall be no future claims for alimony or maintenance for the Minor son R.K.Dhanesh.

G. The custody and guardianship of the minor son R.K.dhanesh shall be with the petitioner. The respondent agrees that he will not claim his right of custody or visitation against the minor son R.K.Dhanesh.

Thus the petitioner and respondent has agreed to reduce this Joint Memo of Compromise in writing and the same is signed with freewill, consent and without any coercion, fraud or undue influence.

4. In view of the compromise entered into between the parties, the present Transfer Civil Miscellaneous Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

***Enclosed Xerox copy of the Memo of Compromise.**

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Family Court,
Ariyalur.

2. The Sub Court,
Poonamallee.

Copy to:

The Section Officer,
VR Section,
High Court,
Madras.

+1cc to Mrs.G.Ilamurugu, Advocate sr.16983

+1cc to Mr.V.M.Venkatramana, Advocate sr.16503

Tr.C.M.P.No.881 of 2019
and
C.M.P.No.24211 of 2019

rsv(co)
nr 28/02/2020