

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.959 of 2019

D.Jeyashini

...Petitioner/Respondent

vs.

N.Packiyaraj

...Respondent/Petitioner

Prayer: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw the O.P.No.1080 of 2019 on the file of the Family Court, Madurai and transfer the same to Sub Court, Tambaram, Kancheepuram.

For Petitioner : M/s.R.Saseetharan
For Respondent : M/s.V.P.Raju

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw O.P.No.1080 of 2019 pending on the file of the Family Court, Madurai and transfer the same to the file of Sub Court, Tambaram, Kancheepuram District.

2. The respondent and petitioner are husband and wife. The respondent has filed a petition for Restitution of Conjugal Rights in O.P.No.1080 of 2019 before the Family Court, Madurai.

3. Pending the present transfer petition before this Court, on 19.12.2019 the matter was referred to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras for settlement, wherein the parties have arrived at a settlement and the same was deduced into a Memorandum of understanding before the Mediators. The said joint compromise memorandum is extracted as under:-

JOINT COMPROMISE MEMORANDUM

1. The both petitioner and respondent agrees to treat the marriage solemnised between them on 31.08.2014, at Arulmighu Subramanian Temple, Thiruparunguntram, Madurai District as dissolved by way of mutual consent due to differences which arose between them.

2. The petitioner shall not claim any right of maintenance against the respondent at present and in future. Likewise, the respondent shall not claim any right of maintenance against the petitioner at present and in future.

3. The petitioner has returned the 10 sovereign chain with 1 sovereign Thali which was presented at the time of marriage, to the respondent on 11.02.2020 and the respondent has received the same on 11.02.2020.

4. The respondent has returned the 3 sovereign Bracelet presented to the respondent at the time of marriage to the petitioner on 11.02.2020 and the petitioner has received the same on 11.02.2020.

5. The respondent shall treat the residential property at BS-1, No.136/1, Colour Orchid, Thilagar street, New Perungalathur, Kancheepuram (Dt.,) purchased in the joint name of petitioner and respondent on 23.03.2015 covered under the Deed No.2122 and 2123 dated 23.03.2015 on the file of Sub-Registrar, Padapai, Kancheepuram District out of petitioner's own hard labour, as separate property of petitioner and shall not interfere with peaceful possession and enjoyment of petitioner over the said property.

6. The respondent shall withdraw F.M.O.P.No.1080/2019 filed by him and pending before the Hon'ble Family Court, Madurai.

7. The respondent undertakes to execute a release deed of his rights over the residential property shown in Clause No.5 of this Joint Memorandum within a period of one month from 11.02.2020.

8. The respondent express his no objection for the petitioner to get the Title Deed of Residential Property from the Mortgage Bank, after payment of all EMI's without his presence. The respondent disowns any liability over the property shown in Clause No.5 of the Joint Memorandum of compromise.

9. The petitioner and the respondent are mutually agreed upon the above terms, without any force, fraud and coercion and the present Joint Memorandum of Compromise is filed under Section 13-B of Hindu Marriage Act, 1955, to grant a Decree of Divorce on Mutual Consent.

4. The joint compromise memorandum dated 11.02.2020, is taken on record and the same shall form part of the order. Accordingly, the Transfer Civil Miscellaneous Petition stands disposed of in terms of the Joint Compromise Memorandum. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy//

Sub Assistant Registrar

dpq

To

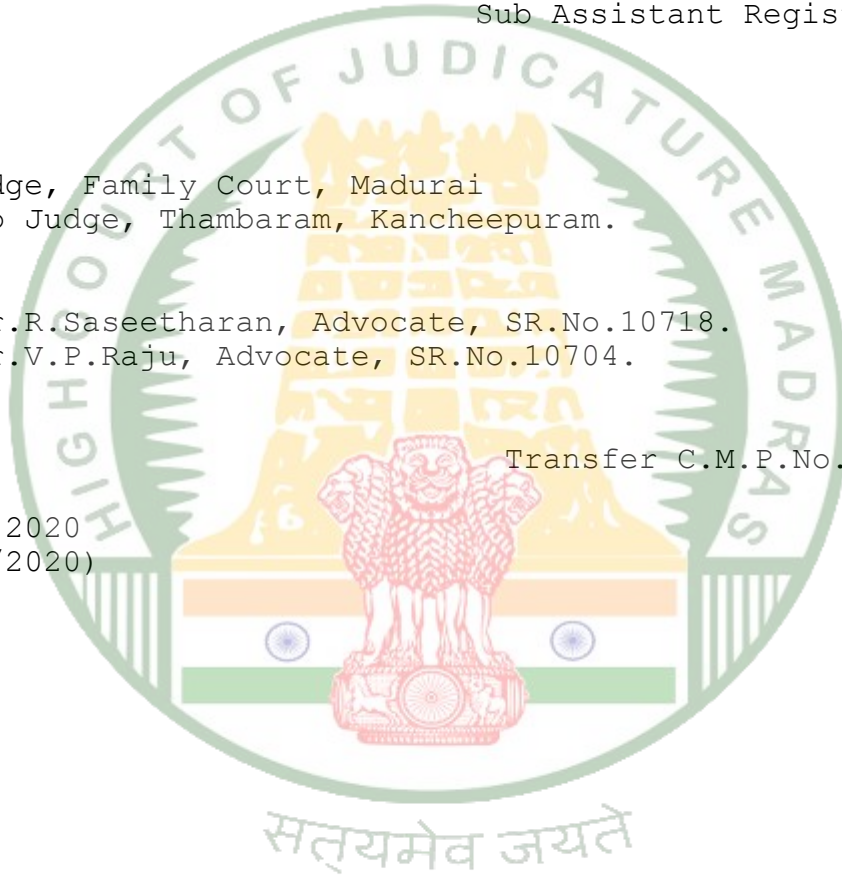
1. The Judge, Family Court, Madurai
2. The Sub Judge, Tambaram, Kancheepuram.

+1cc to Mr.R.Saseetharan, Advocate, SR.No.10718.

+2cc to Mr.V.P.Raju, Advocate, SR.No.10704.

Transfer C.M.P.No.959 of 2019

MR (CO)
CSR:20.02.2020
GMY (14/08/2020)



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