



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

Tr.CMP No.26 of 2015

and

M.P.No.1 of 2015

Dr.Sivapriya

...Petitioner/Respondent

vs.

Dr.Kamalakannan

...Respondent/Petitioner

Prayer :- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. to withdraw the HMOP No.13 of 2011 pending on the file of the Subordinate Court, Tiruchirapalli and transfer the same for being tried alongwith HMOP No.265 of 2011 pending on the file of the Subordinate Court, Tambaram.

For Petitioner : Mr.A.E.Ravi Chandran

For Respondent : Mr.T.C.S.Raja Chockalingam

JUDGMENT

The wife has come before this Court seeking to transfer HMOP No.13 of 2011 filed by the respondent/husband seeking nullity of marriage solemnized on 29.08.2010 between the petitioner and the respondent at Madurai.

2. The petitioner also filed HMOP No.265 of 2011 for restitution of conjugal rights before Sub Court, Tambaram and the same is pending. The petitioner also obtained order of interim maintenance in I.A.No.251 of 2011 in HMOP No.265 of 2011 on the file of Sub Court, Tambaram.



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3. Since the petitioner has filed a transfer petition, this court insisted both the petitioner and the respondent to be present before this court and they were also present. After conciliation, both the parties agreed for getting divorce by mutual consent, the initiative made by the learned counsel for the petitioner and the respondent.

4. when the matter is called today, both the petitioner and the respondent are present and they categorically stated that they are not interested in re-union and therefore they seek divorce by mutual consent in HMOP No.13 of 2011 which was filed for annulling the marriage by the respondent/husband.

5. A joint memo of compromise dated 24.06.2015 signed by both the parties and countersigned by the respective counsel is filed today before this Court wherein it has been mutually agreed that respondent/husband shall pay a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) to the petitioner/wife as one-time full and final settlement to give divorce. To that effect, Demand Draft bearing No.847646377 dt.22.06.2015 drawn on Indian Overseas Bank, Triplicane Branch in favour of the petitioner/wife Dr.Shivapriya has been handed over to the petitioner, in full and final settlement comprehensively and therefore there is no liability either on the part of the petitioner or on the part of the respondent exists.

6. Though the petition has been filed by the petitioner to transfer the HMOP, considering the young age of the parties, this court called them and with the help of the counsel, the matter was settled. Again driving the parties to approach the trial court would take long time to get relief and therefore based on the joint memo of compromise and also the settlement made between the parties, this Court under Article 227 suo motu call for the records in HMOP No.13 of 2011 filed by the respondent/husband for declaring the marriage as nullity and treats the said the petition filed under Section 13 (b) of the Hindu Marriage Act and grants divorce by mutual consent by dissolving the marriage between the petitioner and respondent solemnized on 27.08.2010 at Aadhithanaar Thirumana Mandapam, Madurai. By granting divorce in HMOP No.13 of 2011, it is made clear that HMOP No.13 of 2011 is disposed as aforesaid and HMOP No.265 of 2011 filed by the petitioner/wife on the file of Sub Court, Tambaram stands dismissed. Similarly, the order made in I.A.No.251 of 2011 granting interim maintenance shall stand vacated.

7. The joint memo of compromise shall form part of the decree. As far as the petitioner's relief is concerned, the matter is disposed of by the above consent order. The transfer petition is



kept pending for passing orders regarding the general issue which has arisen in the above matter

8. Post the matter on 26.06.2015 alongwith Tr.CMP No.299 of 2015 for further orders.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

rgr

1.The Subordinate Court,
Tiruchirapalli.

2.The Subordinate Court,
Tambaram.

3.The Section Officer,
Judicial Department,
High Court, Madras.

1 CC to Mr.N.Anand Venkatesh, Advocate SR.No. 31007

Tr.CMP No.26 of 2015

JSV (CO)
PSI (25.06.2015)