

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.426 of 2020
and
CMP.No.8568 of 2020

J.Divya ... Petitioner/Respondent
- Vs -
M.Deepan Kumar ... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, praying to withdraw and transfer FCOP.No.360 of 2019 pending on the file of learned Family Court Judge, at Vellore to Family Court at Chennai.

For Petitioner : Mr.P.Vinodh Kumar
For Respondent : Mr.T.P.Prabakaran

ORDER

The Transfer Petitioner is filed to transfer FCOP.No.360 of 2019 pending on the file of the Family Court, Vellore to the file of the Family Court, Chennai.

2. The petitioner states that she is working as Assistant Manager in Indian Bank, Washermanpet Branch and the respondent was working as Assistant Professor in Jaya Engineering College, where the petitioner completed B.Tech. At present, the respondent is working as Senior HR Manager at Apollo KH Hospital at Vellore. The petitioner states that the petitioner and the respondent loved each other and there was a discussion between the family members for their marriage, but their marriage was not solemnised.

3. Per contra, the respondent states that the marriage was solemnised on 01.12.2016 itself and for some time, he was living with the petitioner and thereafter, the petitioner left the matrimonial home.

4. When this Court asked a question regarding the marriage registration certificate, the learned counsel for the respondent made a submission that the marriage was solemnised in a small temple and therefore, the respondent could not able to produce any marriage registration certificate. This Court is of the considered opinion that in the absence of any such proof of marriage, question of entertaining a petition under the Hindu

Marriage Act does not arise at all. When the marriage itself is disputed by the petitioner, there cannot be any further adjudication regarding the matrimonial disputes under the provisions of the Hindu Marriage Act.

5. In view of the fact that both the petitioner as well as the respondent are holding responsible positions and they are working in a decent job, this Court summoned the petitioner and the respondent, and today they appeared before this Court along with their respective learned counsels. The learned counsel for the petitioner as well as the respondent also explained the consequences as well as the implications in view of the fact that the very marriage itself is disputed by the petitioner. After elaborate discussion, the matter is again called by this Court at 3.45.p.m today. Fortunately, the consensus arrived between the petitioner and the respondent. Both the petitioner as well as the respondent appeared in person before this Court and agreed to withdraw the police complaint filed by the petitioner as well as the FCOP.No.360 of 2019 filed by the respondent pending on the file of the Family Court at Vellore. It is further agreed between the parties that they will not interfere with each one's life and they will respect their individual rights. When such a gentle and honest consensus has arrived between the parties, they have shown their utmost responsibility towards the Society and in the interest of their own life. This Court appreciates the decision taken by the petitioner as well as the respondent.

6. In view of the facts and circumstances, the respondent is directed to withdraw the FCOP.No.360 of 2019 pending on the file of the Family Court, Vellore within a period of four (4) weeks from today. The petitioner is directed to withdraw the police complaint filed against the respondent before the Commissioner of Police, which was forwarded to All Women Police Station, Thiruvottiyur, within a period of four(4) weeks from today. Both the parties shall not interfere in each others life and they are at liberty to take their respective decisions in respect of their future life.

7. In this view of the matter, no further orders are required as far as the Transfer Civil Miscellaneous Petition is concerned as the same is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmi

To

1.The Judge,
Family Court,
Vellore.

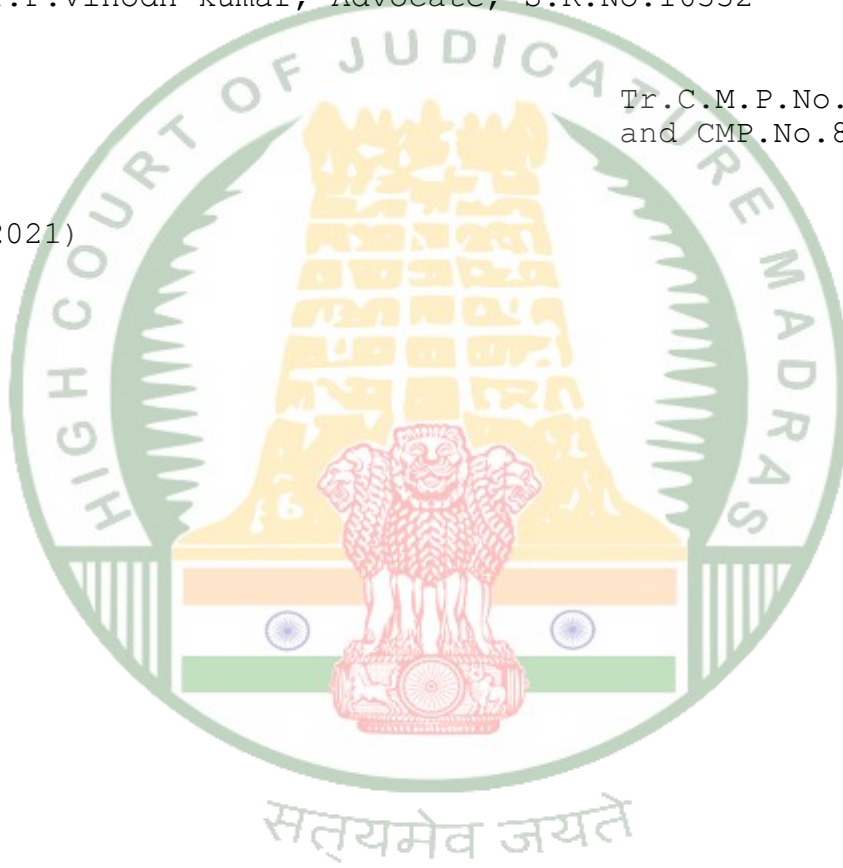
2.The All Women Police Station,
Thiruvottiyur.

+1cc to Mr.T.P.Prabakaran, Advocate, S.R.No.15736

+1cc to Mr.P.Vinodh kumar, Advocate, S.R.No.16332

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AAB (CO)
KM(17/04/2021)



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