

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM :

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

Tr.C.M.P. No.1040 of 2019
and C.M.P.No.27777 of 2019

S.Chandra

... Petitioner

Vs.

S.Durai

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to transfer the case in HMOP.No.76 of 2019 pending before the file of the Subordinate Court at Cheyyar, Tiruvannamalai District to the file of IV Additional Family Court, Chennai or any competent Court to try the same.

For Petitioner : Ms.P.Kavitha Balakrishnan

For Respondent : Mr.S. Vasudevan

O R D E R

This Transfer Civil Miscellaneous Petition was referred for mediation to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.

2. A communication dated 21.12.2020 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 14.12.2020 has been received.

3. As the parties have arrived at a settlement in terms of the agreement entered into between them, this Transfer Civil Miscellaneous Petition is listed for passing an order in terms of the settlement.

4. The Settlement Agreement dated 14.12.2020, signed by the parties and their respective counsel reads as follows:-

'A. Both the parties have agreed to dissolve their marriage by filing a petition for divorce by mutual consent before the Family Court, Chennai on or before 08.01.2021.

B. Without prejudice to his rights and contentions, the respondent/husband has agreed to withdraw the petition filed by him, pending for divorce before the Sub-Court, Cheyyar in HMOP.No.76 of 2019 at the earliest, in view of the settlement reached herein.

C. Without prejudice to her rights and contentions, the petitioner/wife has agreed to withdraw the petition filed by her, pending before the IV Additional Family Court, Chennai seeking restitution of marriage in O.P.No.3724/2019 at the earliest, in view of the settlement reached herein.

D. The petitioner/wife hereby declares that she is in possession of Gold ornaments, Silver articles and house articles, gold weighing 133.380 gms (which includes Mangal Sutra) and silver weighing 79.140 gms, given by the respondent/husband at the time of marriage and the same shall be retained by the petitioner/wife herein, except one gold chain (2 Sov) and 1 Gold Coin (1Sov) which is the custody of the respondent/husband herein, which the respondent/husband herein undertakes to return.

E. The respondent/husband has agreed to pay the sum of Rs.1,00,000/- (Rupees One Lakh only) as full and final settlement towards past, present and future maintenance and alimony to the petitioner/wife, at the time of filing the petition for divorce by mutual consent petition before the Family Court, Chennai.

F. The petitioner/wife waives her right of any further or future claim of maintenance on receipt of the agreed settlement amount of Rs.1,00,000/- (Rupees One Lakh Only) and One gold chain and 1 gold coin.

8. Both the respondent/husband and petitioner/wife declare that they shall not interfere in each other's life in any manner and they shall part away to lead their own respective life.

9. By signing this Agreement the parties hereto state that they have no further claims or demands against each other with respect pending before the sub-court, Cheyyar in HMOP.No.76 /2019 and IV Additoinal Family Court, Chenai in O.P.No.3724 of 2019 and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of conciliation/Mediation."

5. In terms of settlement arrived at between the parties which is recorded under the Mediation Agreement by the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras in its Report dated 14.12.2020, this Transfer Civil Miscellaneous Petition is disposed of recording the said agreement. The Settlement Agreement and the report of the Mediation Centre shall form part of this Order. Consequently, connected miscellaneous petitions are closed.

(* Xerox Copies enclosed along with Settlement Agreement)

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

dpq

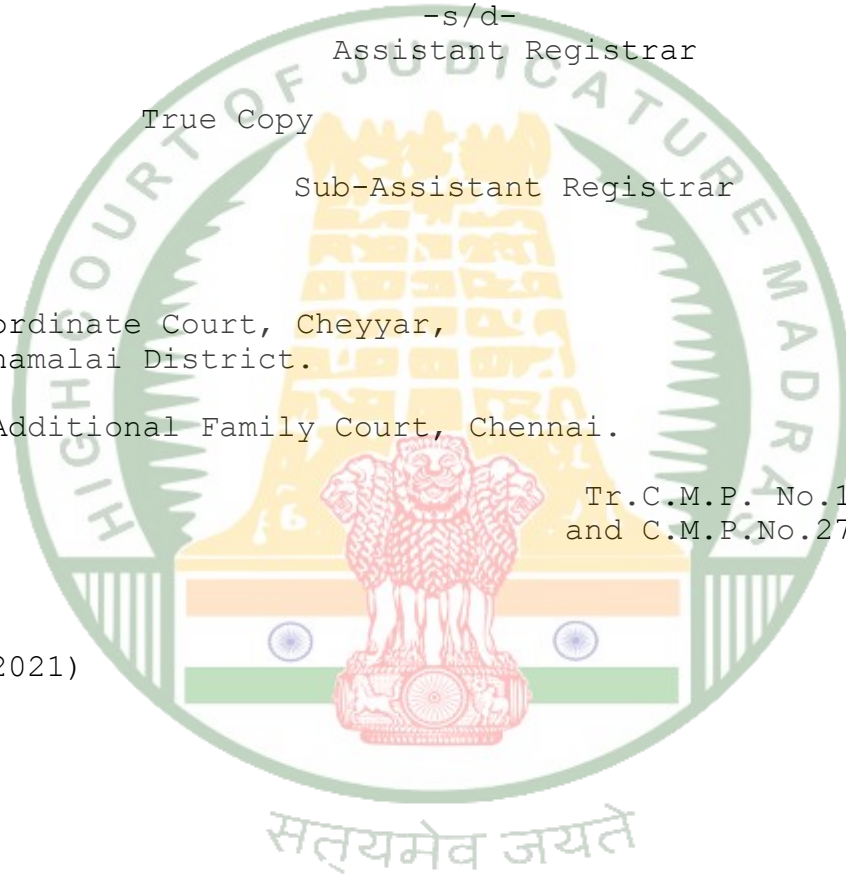
To

1.The Subordinate Court, Cheyyar,
Tiruvannamalai District.

2.The IV Additional Family Court, Chennai.

Tr.C.M.P. No.1040 of 2019
and C.M.P.No.27777 of 2019

PPA (CO)
SP(22/02/2021)



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