



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Tr.C.M.P. (MD) No.279 of 2021

and

C.M.P. (MD) No.5846 of 2021

WEB COPY

M. Bama

... Petitioner

-vs-

S.Muthukumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw HMOP.No.265 of 2021 on the file of the Family Court, Nagercoil and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Ms. J. Maria Rubit

For Respondent : Mr.A.K. Baskara Pandian

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in HMOP.No.265 of 2021 on the file of the Family Court, Nagercoil and transfer the same to the file of the Family Court, Madurai.

2. By the consent of both sides, this Court vide order 03.09.2021 referred the matter to Mediation and appointed Mr.M.R.Sreenivasan, learned counsel as Mediator, wherein, the agreement has been arrived at between the parties and the compromise entered into between them as per the following terms:

Terms:

"1) The respondent / Husband agreed to allow the above Tr.C.M.P petition to transfer the HMOP.No.265 of 2021 from the learned Family Court at Nagercoil to the Family Court, Madurai.

2) Since, both the petitioner and respondent are living separately for the past 3 ½ years and after discussion between the parties, there could not be any possibility re-union and both parties decided to live separately. Hence, the petitioner / wife has no objection for passing a decree for divorce, to that effect she is ready to file a proof affidavit before the Family Court, Madurai.

3. The petitioner / wife denies the allegations contained in the HMOP.No.265 of 2021 petition and the



respondent / husband withdrawn the allegations stated in the HMOP.No.265 of 2021.

4. There is no claim between each other and if any proceedings or complaints are pending before any other Court or Forum, the both parties agreed to withdraw the same.

5. Both parties will not make any claim each other hereafter.

6. Both parties are liberty to chose their own career and life and none of the party should interfere with the personal life of the other party.

7. On he basis of this Compromise agreement, both parties are requesting to this Hon'ble Court to give a suitable direction to the Family Court, Madurai to pass a decree for divorce on the basis of this Compromise Agreement."

3. The learned counsel for the respondent would submit that the respondent has no objection to transfer the case to the file of Family Court, Madurai. He would further submit that a direction may be given to the learned Judge, Family Court, Madurai to pass a decree for divorce on the basis of the compromise entered entered into between the parties.

4. In view of the above, the HMOP.No. 265 of 2021 is withdrawn from the file of the Family Court, Nagercoil and transferred to the file of the Family Court, Madurai. The Family Court, Nagercoil, is directed to transmit the papers to the file of the Family Court, Madurai forthwith. On receipt of the same, the learned Judge, Family Court, Madurai is directed to grant divorce in terms of compromise. The Compromise agreement entered into between the parties shall form part of the order.

5. With the above observation, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

trp



To:

1.The Family Judge, Nagercoil.

2.The Family Judge, Madurai.

+1 CC to M/s.A.K.BASKARAPANDIYAN, Advocate (SR-30355[F] dated 27/09/2021)

+1 CC to M/s.J.MARIA RUBIT, Advocate (SR-30395[F] dated 27/09/2021)

Tr.C.M.P. (MD) No.279 of 2021
and
C.M.P. (MD)No.5846 of 2021

27.09.2021

MGJ(22.10.2021) 3P 5C