



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Tr.C.M.P. (MD) No.363 of 2021

and

C.M.P(MD) No.7373 of 2021

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Sally Roopavathi

... Petitioner

Vs.

John Issac Augustine

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the I.D.O.P.No.225 of 2021 on the file of the Family Court, Chengalpattu and transfer the same to Family Court, Sivagangai to be tried along with I.D.O.P.No.226 of 2021.

For Petitioner : R.Karunanidhi

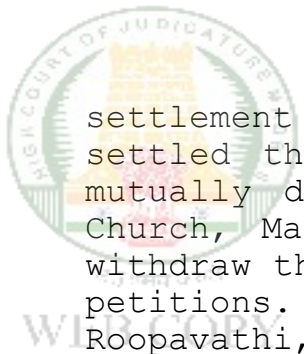
For Respondent : Mr.K.Chandra Gandhi

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of I.D.O.P.No.225 of 2021, on the file of the Family Court, Chengalpattu, to the file of the Family Court, Sivagangai to be tried along with I.D.O.P.No.226 of 2021.

2. It is the case of the petitioner that the marriage between the petitioner and the respondent was solemnized on 02.05.2016 at CSI Church, Manamadurai, according to Christian rites. Thereafter, due to matrimonial discord, the petitioner and the respondent were living separately. The respondent had filed I.D.O.P No.225 of 2021, on the file of the Family Court, Chengalpattu, seeking dissolution of marriage on the ground of cruelty and the petitioner had filed I.D.O.P No.226 of 2021, on the file of the Family Court, Sivagangai, seeking to dissolve the marriage also on the ground of cruelty. Since the petitioner is a resident of Sivagangai, she had filed Transfer Civil Miscellaneous Petition seeking to transfer I.D.O.P No.225 of 2021, on the file of the Family Court, Chengalpattu, to be tried along with her I.D.O.P.No.226 of 2021.

3.The Transfer Civil Miscellaneous Petition was admitted on 09.09.2021. The respondent appeared before this Court on 01.10.2021 and by consent of both parties, the matter was referred to the Mediation Centre attached to this Bench for reaching an amicable



settlement between the spouses. At the mediation, the parties have settled their dispute between them and that they have agreed to mutually dissolve their marriage solemnized on 02.05.2016 at CSI Church, Manamadurai, by consent. The parties have also agreed to withdraw the allegations made against each other in their respective petitions. During the mediation the petitioner /wife Sally Roopavathi, had received a sum of Rs.4,00,000/- (Rupees Four Lakhs only) as permanent alimony in full and final settlement and all the jewels belonging to the wife were returned back to her and they have also entered into a settlement/agreement in the presence of their respective counsels and the mediator. Subsequently, the parties have also filed a joint memo of compromise before this Court.

4. The learned counsel appearing on either side would submit that the parties have amicably settled their dispute among them and they have also decided to dissolve their marriage by mutual consent. They would submit that the marriage between the petitioner and the respondent had been solemnized on 02.05.2021 and that they do not have any children out of the marriage.

5.The learned counsel would further submit that despite the earnest steps taken by friends, family members and well-wishers of both parties, they are unable to continue with their matrimonial life and they have mutually decided to get separated and have also entered into an agreement.

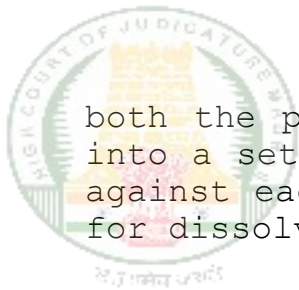
6.The learned counsel for the petitioner would submit that in similar circumstances, this Court had earlier while deciding the transfer applications had granted divorce to parties even at the time of hearing the transfer petition and would pray that a decree of divorce may be passed.

7.In support of his contention, the learned counsel would rely on the following judgments of this Court :

- (1) A Vs. B reported in 2016(7) MLJ 54
- (2) M.Kalpna Sridevi Vs. C.Swaminathan in TR.C.M.P.Nos.897 and 898 of 2019 dated 17.12.2019 and
- (3) Keerthana Vs.Bharathiraja reported in 2020 (1) MWN (Civil) 593

8.Earlier the parties have appeared before the Registrar (Judicial) and they were identified by their respective counsels and the Registrar (Judicial) has filed a report after verification.

9.Now the parties are present before this Court and they were identified by their respective counsels. This Court enquired



both the parties and both parties submitted that they have entered into a settlement and they have also withdrawn the allegations made against each other in their petitions and they have mutually agreed for dissolving their marriage.

WEB COPY10.The settlement agreement and the joint compromise memo filed by the parties and the mediation report is taken on record and it forms part of the Court record.

11.In view of the facts and circumstances and placing reliance on the submissions made by the counsels and also relying on the judgments referred to above, this Court feels it appropriate case for grant of divorce at the stage of deciding the Transfer Civil Miscellaneous Petition itself.

12.In view of the above, IDOP No.226 of 2021, on the file of the Family Court, Sivagangai, stands allowed and the marriage solemnized between the Petitioner and the respondent on 02.05.2016 at C.S.I Church, Manamadurai according to Christian rites and customs is dissolved by a Decree of Divorce. Since no further order is required to be passed in the present Transfer Civil Miscellaneous Petition, this Transfer Civil Miscellaneous Petition stands disposed of. Consequent to the grant of divorce by mutual consent on the basis of the Joint Memo of Compromise dated 04.10.2021, the parties are directed to produce a copy of this order before the concerned Courts. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judge, Family Court,
Chengalpattu.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Judge, Family Court,
Sivagangai.

+3 CC to M/s.R.KARUNANIDHI, Advocate (SR-33244[F] dated
29/10/2021)

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Tr.C.M.P. (MD) No.363 of 2021
28.10.2021

RD/PM (15.11.2021) 4P 6C