



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

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THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.476 of 2021
and
C.M.P.No.12640 of 2021

Ms.R.Keerthaana

... Petitioner/Respondent

Vs

Mr.Praveen Kumar

... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw FCOP No.192 of 2021 pending on the Family Court at Chengalpattu and to transfer the same to the file of the Family Court at Chennai and thereby render justice.

For Petitioner : Mr.V.Arul

For Respondent : Mr.M.Vijay Kumar

ORDER

Both the parties have appeared before this Court and they would submit that the agreement which has been entered into before the Mediation and Conciliation Centre has been signed by them and they agreed to abide by the terms of the compromise. In pursuance of this compromise the petitioner/wife has received a total sum of Rs.11,39,899/-. Both parties have also agreed to mutually dissolve their marriage.

2. Considering the fact that the petition that is pending before the Family Court at Chengalpattu is one that is filed under Section 12(1) of the Hindu Marriage Act. This Court cannot pass orders by treating the petition filed by the respondent/husband as one filed for divorce. Considering the pendency of FCOP No.192 of 2021 for over a year the 6 months mandatory waiting period shall be waived. Therefore, the parties shall appear before the Family Court at Chengalpattu and shall file a fresh application under Section 13(B) of the Hindu Marriage Act.



3. The learned Judge shall on the very first day of the petition being numbered pass orders dissolving the marriage between the two by mutual consent. The parties are directed to appear before the said Court. The respondent shall also withdraw FCOP No.192 of 2021 pending on the file of the Family Court, Chengalpattu.

4. The above Transfer Civil Miscellaneous petition is disposed of in terms of memorandum of compromise filed before the Mediation and Conciliation Centre and with a direction to the Family Court at Chengalpattu. No costs. Consequently, connected Miscellaneous Petition is closed.

*Xeorx Copy of the Memo of Compromise enclosed

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

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To

1. The Judge,
Family Court at Chengalpattu

+1cc to Mr.V.Arul, Advocate SR.No.28280

+1cc to Mr.M.Vijay Kumar, Advocate SR.No.28561

Tr.CMP. No.476 of 2021
and
C.M.P.No.12640 of 2021

NK (CO)
GMY (27/04/2022)