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Tr.C.M.P.No.39of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 25.09.2023

C O R A M

**THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN**

TR C.M.P. No.39of 2023  
and  
C.M.P.No.1179 of 2023

K.Valli ... Petitioner  
Vs.

T.Kalayappan ... Respondent

**PRAYER:** This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 to withdraw H.M.O.P.No.670 of 2020 pending of the file of the Additional Family Court, Coimbatore and transfer the same to the file of any Family Court, Chennai and pass orders.

For Petitioner : Mr. T.Vijaya Raaghavan

For Respondent : Mr. B.Jawahar  
for Mr.R.Radha Pandian

**ORDER**

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw H.M.O.P.No.670 of 2020 pending of the file of the Additional Family Court, Coimbatore and transfer the same to the file of any Family



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Court, Chennai for further proceedings.

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2. When the matter was taken up for hearing, the learned counsels appearing for their respective parties submitted in unison that this Court vide its order, dated 17.07.2023 referred the matter to Mediation. Thereafter, both the parties appeared before the Mediation Center attached to this Court on various dates. The matter was finally listed on 14.09.2023 and a Joint Memo of Compromise was filed by both the parties settling the dispute among them. A Mediation Report along with the Joint Memo of Compromise is placed in Court bundle. The said Joint Memo of Compromise is reproduced hereunder :-

***Joint Memo of Compromise***

*The respondent/ husband married the petitioner/Wife on 08.04.1993, out of the said wedlock two male sons are there, who are all majors. The petitioner and the respondent are facing matrimonial issues, therefore they could not lead their life jointly, which has resulted that the respondent has filed H.M.O.P.No.670/2020 before the Principal Family Court, Coimbatore, praying for divorce of their marriage held on 08.04.1993.*

*The petitioner filed the above Tr.C.M.P. praying to transfer the [H.M.O.P.No:670/2020](#) from Prl. Family Court, Coimbatore to Family Court, Chennai. The said Tr.C.M.P. referred to Hon'ble High Court Mediation center for amicable*



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*settlement between the parties.*

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*After due deliberations and negotiations among the parties, in the presence of their respective counsels before the mediator, the petitioner and the respondent have*

*mutually agreed to settle their disputes in the following terms:*

*a) The petitioner and the respondent have mutually agreed to get divorce of their marriage dated 08.04.1993, by filing Section 13(B) petition before the Principal Family Court at Chennai.*

*b) The respondent has agreed to relinquish his half share over the flat situated at Karaikudi, in their joint names, in favour of the petitioner, by executing the deed of release, which has to be prepared by the petitioner wife and the respondent/husband has to sign the release deed on the date of presentation of the mutual consent petition before the Principal Family Court at Chennai, or on any other day fixed by the petitioner, also the release deed has to be completed by the respondent placing his presence at SRO-Karaikudi, upon convenience of both parties within 60days from this memo.*

*c) The petitioner shall bear the cost of registration and other charges for the release deed. The respondent shall co-operate for execution of the release deed and for its registration before the concerned S.R.O.*



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*d) The petitioner shall withdraw all cases filed against the respondent before any court of law. The petitioner shall also withdraw all the complaints filed against the respondent before the Police Department, in respect of their matrimonial life, partnership, business and etc.*

*e) The Petitioner and Respondent mutually agreed that the respondent shall pay permanent alimony of R\$25,00,000(Rupees Twenty Five Lakhs Only) to the Petitioner which includes the amount of Rs.7,00,000(Rupees Seven Lakhs Only) which has been claimed by the father of the Petitioner against the respondent U/s 138 of the N.I.Act through the proceeding in S.T.P.C-1900/2023,FTC-III at Saidapet.*

*f) Today is 14.09.2023 as per the mutual agreement of the Petitioner and the respondent, the respondent paid Rs.7,00,000(Rupees Seven Lakhs Only) by way of D.D.No.847044 Drawn On Tamilnadu Mercantile Bank (Kavundampalayam Branch) dated 12.09.2023, the same was received by the father of the Petitioner under S.T.C No 1900/2023 has withdrawn by the father of the Petitioner. The Balance amount to be paid by the respondent to the Petitioner towards permanent alimony is only for sum of Rs18,00,000(Rupees Eighteen Lakhs Only) and the balance amount of Rs 18,00,000(Rupees Eighteen Lakhs Only) shall be paid before The Hon'ble Principal Family Judge at the time of*



*deposing evidence in Sec. 13(B) in divorce petition.*

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*g) The respondent shall withdraw all cases filed against the petitioner, which is pending before any court of law including [O.S.No:82/2023](#), Pri. Family Court, Coimbatore also the [H.M.O.P.No:670/2020](#) from Pri. Family Court, at Coimbatore.*

*h) The petitioner has no future claim against the respondent and vice versa.*

*i) The 15 son of the petitioner and the respondent, has already married and leading his matrimonial life separately. The second son is residing with the petitioner. who is also a major, the petitioner shall look after him properly. Both the petitioner and respondent are at liberty to approach their son at any time, and it is their option to decided to their convenient. The petitioner and respondent jointly undertakes that neither of them will unnecessarily interfere with the life to the sons, and hereby undertakes to uphold the welfare of their sons.*

*j) The petitioner shall allow the respondent to take her belongings lying in the house of the petitioner at Coimbatore, likewise the petitioner shall take away all her belongings lying in the native house of the respondent.*

*k). The Petitioner shall not take any liability pertaining*



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*to the respondent companies viz., M/s.Micron Systems and M/s. Avinash Engineering both companies situated at Coimbatore and further which any dues, debts or debtors that were unsettled during the petitioners partnership in business shall be treated null and void and liability and responsibility of all the above lies solely upon the respondent, further which a joint account was in operation to the same at Coimbatore - Tamilnadu Mercantile Bank situated at Kavundampalayam Branch bearing account No TMB bank account no.232700060750002., the second name stands in the name of the petitioner and will be deleted accordingly on or before 30.09.2023. The Petitioner has filed a criminal complaint before the DCB COIMBATORE against the Respondent, The Petitioner shall withdraw the said complaint immediately upon Registration of Settlement Deed executed by the respondent in favour of the Petitioner.. On the date of filing the 13(B) petition, the Petitioner shall execute a Consent Letter for Closure of the HDFC Bank Account*

*1). The petitioner and the respondent were members of the Madras Gymkhana club as issued by the petitioners father holding membership no.SV105 were in the respondent has been holding a dependent card and the respondent shall surrender the above said dependent card at the earliest and in the concurrence to the same the respondent shall cease and surrender the same.,as the liability has been borne by the petitioner since the date of inception of membership.*



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*m). The Petitioner has been holding some house hold items and some furniture at Paganeri village in Siva Gangai District were the respondent shall allow to access and shall remove all the items belonging to the petitioner in a stipulated time-line or time bound manner.*

*n). The Petitioner holds a indian passport bearing passport no.U8068397 were in the respondent has his name bearing in the spouse's column in the passport and the endorsement shall be removed as per the passport application rules., further which respondent shall also issue a NOC if required for removing the endorsements were ever necessary.*

*o). The Petitioner and the respondent holds a Joint-Locker in operation and the rental dues are being paid by the petitioner until date further which the locker bearing*

*no.133 at Indian Overseas Bank at Ramalinganagar Branch will be closed on or before 30.09.2023. Locker No.38 in TMB to be closed by 30.09.2023.*

*Dated at Chennai on this 14th day of September 2023.*

3. Recording the said submission of the learned counsels appearing for their respective parties, this Transfer Civil Miscellaneous Petition is disposed of. The said Mediation Report and the Joint Memo of Compromise shall form an integral part of this order. No costs.



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Consequently, connected miscellaneous petition is closed.

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**25.09.2023**

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

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To

The Additional Family Court, Coimbatore.

**V.BHAVANI SUBBAROYAN., J.**

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