



Tr.C.M.P.Nos.824 of 2021 & 493 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

CORAM

THE HONOURABLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

**Tr.C.M.P.Nos.824 of 2021 & 493 of 2022
and C.M.P.Nos.19062 of 2021 & 8930 of 2022**

Dr.N.Sujithaa ... Petitioner in Tr.C.M.P.No.824 of 2021

Versus

Dr.K.Mahendira Varman ...Respondent in Tr.C.M.P.No.824 of 2021

Mahendira Varman ... Petitioner in Tr.C.M.P.No.493 of 2022

Versus

**Minor Child Dhruvesh
Rep. by his mother Sujithaa ...Respondent in Tr.C.M.P.No.493 of 2022**

Prayer in Tr.C.M.P.No.824 of 202: This Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC seeking to withdraw the HMOP.No.96/2021 on the file of the Sub-Court, Kallakkurichi and transfer the same to the file of the Family Court, Pondicherry.

Prayer in Tr.C.M.P.No.493 of 2022: This Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC seeking to withdraw M.C.No.3 of 2022 on the file of the Family Court, Pondicherry and to transfer the same to the Family Court, Villupuram.



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In Tr.C.M.P.No.824 of 2021:

For Petitioner : Mr.E.Anbarasan
For Respondent : M/s.A.Rajeswari

In Tr.C.M.P.No.493 of 2022:

For Petitioner : M/s.A.Rajeswari
For Respondent : Mr.E.Anbarasan

COMMON ORDER

When the case came up for hearing on 25.07.2022, this Court passed the following interim order:

“Tr.CMP.No.824 of 2021 is filed by the Petitioner/wife to withdraw the HMOP.No.96 of 2021 pending on the file of the Learned Sub-Court, Kallakurichi and transfer the same to the file of the Learned Family Court, Pondicherry.

2. Tr.CMP.No.493 of 2022 is filed by the Petitioner/husband to withdraw the M.C.No.3 of 2022 on the file of the Learned Family Court, Pondicherry and transfer the same to the file to the



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Learned Family Court, Villupuram. In Tr.CMP.No.824 of 2021 interim stay was granted against the proceedings in HMOP.No.96 of 2021 pending on the file of the Learned Sub-Court, Kallakurichi.

3. It is the submission of the Learned Counsel for the Petitioner/husband in Tr.CMP.No.493 of 2022, to refer the matter to Mediation. The Learned Counsel for the Petitioner/wife in Tr.CMP.No.824 of 2021 has no objection and also conceded for his request.

4. At the request of both side Counsels, the matter is referred to the Tamil Nadu Mediation and Conciliation Center, High Court of Madras considering the possibilities of arriving at an amicable settlement between the parties within the reasonable period of one month.

5. Registry is directed to place this matter before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras on **01.08.2022**. After conclusion of proceedings, the Tamil Nadu Mediation and Conciliation Centre is directed to submit its report to this Court. Parties along with their respective



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counsel are directed to appear before the Mediation Centre attached to the High Court of Madras, on 01.08.2022. Since the subject matter is referred to Mediation, the Learned Counsel for the Petitioner/husband in Tr.CMP.No.493 of 2022 requested this Court to grant interim stay of the proceedings in M.C.No.3 of 2022 pending on the file of the Learned Family Court, Pondicherry.

6. Accordingly, there shall be an order of interim stay of proceedings in M.C.No.3 of 2022 pending on the file of the learned Family Court, Pondicherry, till the Mediation proceedings are completed. It cannot be extended beyond that period.

7. Post these matters on **10.08.2022.**”

2. Subsequently when the case came up for hearing on 09.12.2022, both the parties sought for further adjournment. Therefore, the case was posted to 16.12.2022 and thereafter, today, i.e. 20.01.2023.



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3. When the matter is taken up today, Mediation Report was filed, wherein, the terms of compromise arrived between the petitioner and respondents in Tr.C.M.P.No.493 of 2022 as well as between the petitioner and respondents in Tr.C.M.P.No.824 of 2021 are as follows:

1.The Petitioner is Dr.K.Mahendiravarman S/o.Kamarasan, Hindu, aged about 38 years, residing at No.10/1, K.Mamananthal Road, Villupuram District – 606 2022.

2.The Respondent in Minor Child Dhruvesh represented by his Mother Dr.N.Sujithaa, No.30-B, Iyyanar Koil Street, Olandaikeerapalayam, Mudaliarpeta, Puducherry– 4.

3.The petitioner had filed the above Tr.C.M.P.No.493/2022 transfer the maintenance case filed by the respondent before Family Court, Puducherry. The respondent also filed a Tr.C.M.P to transfer the HMOP filed by the petitioner before Sub-Court, Kallakurichi, in Tr.CMP No.824/2021.

4.It is submitted that the above Tr.C.M.P.No.493/2022 and Tr.C.M.P.No.824/2021 are posted for mediation before Tamilnadu Mediation and Conciliation Centre,



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High Court, Chennai. The petitioner and respondent had amicably settled the dispute on the following terms and conditions.

1.The Petitioner agrees to withdraw the HMOP.No.96 of 2021 pending before the Sub-Court, Kallakurichi.

2.The Respondent agrees to withdraw the MC No.3 of 2022 pending before the Family Court, Pondicherry.

3.The Petitioner agrees to pay a sum of Rs.16,00,000/- (Rupees Sixteen Lakhs Only) towards the permanent alimony as one time payment to the Respondent named Minor child Dhruvesh.

4.The Respondent agrees to receive the same and also agrees that there will not be any claim for maintenance past, present and future alimony from the Petitioner and for the child.

5.The Petitioner and Respondent agree to present a petition for divorce by mutual consent in the month of October and co-operate to dispose of the petitioner U/S 13B of Hindu Marriages act.

6.The Respondent agrees to permit the Petitioner to visit the minor child Dhruvesh every last Sunday of the month from 10 AM to 4 PM.



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7.The Respondent agrees to drop the minor child by 10 AM at Manakula Vinayagar Temple along with the Petitioner on last Sunday of the month.

8.The Petitioner agrees to drop back the minor child along with the Respondent at Manakula Vinayagar Temple, Pondicherry by 4 PM on the very same day.

9.The Petitioner agrees to pay a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) through the bank at the time of filing of petition U/S/13B of Hindu Marriages Act and petitioner further agrees to pay the balance amount of Rs.8,00,000/- (Rupees Eight Lakhs Only) through the Bank at the time of recording the evidence in the petition U/S. 13B of Hindu Marriages Act and every month the respondent can take the interest amount from the bank.

10.The petitioner agrees that the Respondent/mother can hold the custody of the minor child Dhruvesh

11.The Respondent agrees to return the gold ornament (Thali Saradu) of the mother of petitioner at the filing of petition U/S. 13B of Hindu Marriages Act.

12.The Petitioner and Respondent agree that all the other articles got exchanged between themselves and there is no claim of articles between petitioner and



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respondent.

13.The Petitioner and Respondent agree that there is no collusion between them in filing the above memo of compromise.

14.The Petitioner and Respondent agree that the mutual consent petition filing at Family Court at Pondicherry.

15.The Petitioner and Respondent agrees that the mutual settlement arrived between themselves is out of their free will and consent. There is no coercion.

The Petitioner and Respondent submit that the disputes in Tr.CMP No.824/2021 and Tr.CMP.No.493/2022 settled amicably on the above terms and conditions.

Tr.CMP.No.493/2022 is filed by the husband-Mahendira Varman and while Tr.CMP No.824/2021 is filed by the wife-Dr.N.Sujithaa.

4. In the light of the memo of Compromise entered by both parties recorded in the Mediation Report extracted above, the present Transfer Civil Miscellaneous Petitions are closed. The parties are directed



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to approach the Court concerned in Sub-Court, Kallakkurichi to withdraw the HMOP.No.96/2021 and also M.C.No.3 of 2022 pending on the file of the Family Court, Pondicherry. The husband-Mahendira Varman had accepted to deposit Rs.16,00,000/- lakhs in favour of his minor child Dhruvesh. He has also undertaken to pay Rs.8,00,000/- at the time of filing the petition seeking divorce by consent and another Rs.8,00,000/- at the time of recording of evidence. The parties also agreed that the minor child to remain in the custody of the mother-Dr.N.Sujithaa and on every last Sunday of every month, the child will be dropped near the Manakula Vinayagar Temple, Pondicherry to enable the husband to take him along with him and to drop him back by 4 PM on the very same premises.

5. In the light of the joint compromise both the Transfer Civil Miscellaneous Petitions are closed directing the parties to approach the Court concerned for appropriate relief. Consequently, connected Miscellaneous Petitions are closed. No Costs.

20.01.2023

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SATHI KUMAR SUKUMARA KURUP, J.,

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To

1.The Sub-Judge,
Kallakkurichi.

2.The Judge,
Family Court,
Pondicherry.

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