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Tr. CMP No.1328 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr. CMP No.1328 of 2024
and C.M.P.No.28715 of 2024

S.Kanagalakshmi .. Petitioner
Versus

R.Kalaiarasan .. Respondent

Prayer : Transfer Petition filed under Section 24 of the Code of Civil Procedure to withdraw the proceedings in O.P.No.52 of 2024 on the file of the Sub Court, Arakonam and transfer the same to the file of the Sub Court, Poonamallee.

For Petitioner : Mr.C.Thiagarajan

For Respondent : Mr.Jayachandar

ORDER

This transfer petition was listed before me on 13.12.2024. At the time when the matter came up for admission, Mr.Jayachandar took notice for the respondent. He pleaded that the parties are willing to separate but the only



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aspect, which prevents them from separation, is that gold ornaments of the wife have been retained by the husband.

2. I directed the parties to exchange the articles and listed the matter today.

3. Both Kanagalakshmi and Kalaiarasan are present before this Court. They expressed their desire to separate as they are not in a position to live with each other. Kanagalakshmi states that she is not interested to live with the respondent/Kalaiarasan, since the matrimony was entered into without her consent. She wants to separate. The same wish was expressed by Kalaiarasan.

4. The matter was passed over in the morning and when it was taken up in the afternoon, they filed a memorandum of compromise. The identity of the parties has been verified by the Court Officer and by the learned counsel appearing of the respective parties. The parties have exchanged their articles. They have no claim against each other and they do not desire to continue with the union. They have also stated that there is no possibility for any reunion either.



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5. The joint memorandum of compromise is reproduced hereunder:



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**IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Appellate Side Jurisdiction)**

Tr. C.M.P No. 1328 of 2024

in

OP No.52 of 2024

**(In the Court of Sub Ordinate Judge
At Arakkonam)**

S.Kanagalakshmi
D/o K.Suresh
Plot No.88, 9th Cross Street,
Lakshmi Nagar, Porur
Chennai 600116

...Petitioner/Respondent/Wife

Vs

R.Kalakesan
S/o P.Kangasamy
No 28, Malaiyappan Street,
Goblespet, Arakkonam - 631001
Ranipet

...Respondent/Petitioner/Husband

JOINT MEMORANDUM OF COMPROMISE

1. It is submitted that the marriage between the Petitioner and the Respondent was solemnized on 10.02.2023. The Petitioner and the Respondent got separated and are living apart from October 2023. The Petitioner and the Respondent do not have any interest in living together. The Petitioner and the Respondent do not have any issues out of the said wedlock.
2. It is submitted that when that being the position, the Respondent had filed a Petition for declaring the marriage between the Petitioner and the Respondent as null and void vide O.P No. 52 of 2024 under section 13(1)(c) of the Hindu Marriage Act before the Hon'ble Sub Court, Arakkonam, Ranipet.
3. It is submitted that since the Petitioner herein had some difficulties in travelling to the Sub-Court, Arakkonam, has filed the present transfer petition to withdraw and transfer the above-mentioned proceedings pending on the file of the Hon'ble Sub Court, Arakkonam to the Hon'ble Sub Court, Poonamalle vide Tr. CMP No. 1328 of 2024, on the file of Hon'ble Madras High Court.

S.K. Li
20/12/24.

R. Kalan



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4. It is submitted that when the Transfer Petition came up for hearing before the Hon'ble Madras High Court on 13.12.2024, Counsels for both the parties submitted that the Petitioner and the Respondent are mutually not interested to live together, however, the tussle between the parties are on the account of the gold articles not being exchanged by both the parties. Hence, the Hon'ble Judge directed both the parties to exchange the gold articles and report the same to the Hon'ble Court.

5. It is submitted that in pursuance to the same the Petitioner and the Respondent have exchanged all their articles including Jewellery and they declare that they have no further claims against each other in the past, present or future with regards to gold articles, Jewellery or any other property.

6. Pending the above transfer petition, the Petitioner and the Respondent have agreed to settle their disputes and differences amicably between themselves without recourse to litigation and for that purpose they have decided to dissolve the marriage solemnised between them on 10.02.2023 by Divorce by mutual consent before this Hon'ble Court with the terms incorporated in this Joint Memo of Compromise.

7. It is submitted both the Petitioner and Respondent assure, declare and affirm that they shall not create any issues between each other nor interfere in each other's personal life hereinafter and not disturb each other in any manner.

It is humbly prayed that this Hon'ble Court may be pleased to take this memo on record and pass such orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Dated at Chennai on this the 20th day of December, 2024.

A. K. S.
20/12/24
Petitioner

R. Kalath
Respondent

P. S. S.
Counsel for Petitioner

P. S. S.
Counsel for Respondent



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6. Considering the aforesaid circumstances, in exercise of Article 227 of the Constitution of India, O.P.No.52 of 2024 now pending on the file of the learned Subordinate Judge at Arakonam is transferred to the file of this Court. Though the petition is filed under Section 12(1)(c), it is converted into one under Section 13B of the Hindu Marriage Act. The marriage between the petitioner and the respondent, which took place at V.R.Mahal Thirumana Mandapam, No.50, Paramesh Mangalam, Thakkolam Road, Arakkonam, Ranipet on 10.02.2023, stands dissolved. The learned Subordinate Judge at Arakkonam shall record this order and dispose off O.P.No.52 of 2024.

7. In terms of the memorandum of compromise, this transfer is ordered. No costs. Consequently, the connected miscellaneous petition is closed. The memorandum of compromise shall form part of this order.

20.12.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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V.LAKSHMINARAYANAN, J.

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To

The Sub Court, Arakonam

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20.12.2024