



Tr.CMP.(MD)No.719 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.719 of 2023

and

C.M.P.(MD)No.16106 of 2023

T.Divya Priya

.. Petitioner

Vs.

R.Kumar

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No.156 of 2023 on the file of the Sub Court, Omalur and transfer the same to the file of Sub court, Karur.

For Petitioner : Mr.V.Nagarajan

For Respondent : Mr.N.S.Ramakrishna Dass



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ORDER

When the matter is taken up for hearing, the learned counsels on both the sides would submit that the matter has been settled before the Mediation, and the Mediation Report has also been received by this Court.

2. As per the settlement agreement, both the parties have settled their dispute on the following terms :

“(a) The petitioner/wife received all her golden jewels and house hold articles which were given to her by her parent at the time of her marriage from the respondent/husband. Likewise the respondent/husband received all the golden jewels from the petitioner/wife including Thali and Thali chain which were given at the time of marriage. There is no future claim between the parties regarding the exchange of articles.

(b) The respondent/husband handed over a Demand Draft dated 25.07.2024 to the value of Rs. 10,00,000/- (Rupees Ten Lakhs) drawn in favour of the petitioner/wife from SBI Theevattipatti Branch. The petitioner received the same as one time settlement from the respondent/husband. She assured that she will not claim any maintenance amount in future from the respondent/husband.



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(c) Both parties agreed to file a petition for Divorce before the Family Court, Karur to dissolve the marriage held between them on 12.09.2018 at Karur. Both parties assured to extend their fullest co-operation to file the above petition for divorce.

(d) The petitioner/wife agreed to withdraw the present Tr.C.M.P.(MD)No.719 of 2023 on the basis of this settlement.

(e) The respondent/husband agreed to withdraw the H.M.O.P.No.156/2023 filed by him before Sub-Court, Omalur against this petitioner for divorce on the basis of this settlement.”

3. In view of the clause (d) of the aforementioned settlement terms, the Transfer Civil Miscellaneous Petition is dismissed as withdrawn. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

4. Needless to mention that as and when such an application for mutual consent is filed, the trial Court will take into account that already the parties were in dispute and only after settlement in mediation the petition



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under Section 13B be filed and the same will be appropriately considered as
and when waiver application is filed.

19.08.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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P. VADAMALAI, J.

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To

The learned Judge, Sub Court,
Omalur

Tr.CMP.(MD)No.719 of 2023

and

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