



TR CMP(MD) NO. 150 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13-10-2025

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THE HONOURABLE MR.JUSTICE SHAMIM AHMED

TR CMP(MD) NO. 150 of 2024

and

CMP.(MD) No.3178 of 2024

Dr.A.Narayani, MBBS

W/o.M.Bragadeesh, D/o.C.Anandan, Door No.37, Azad street,
Kattuthalaivasal, Karaikudi - 630 001.

Appellant(s)

Vs

M. Brahadeesh M.B.B.S.,M.D.,
S/o.K.Mayathevar, Door No.7/794, Kalaignar Street,
Nagamalaipudukkottai, Madurai -625 019.

Respondent(s)

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the proceedings in H.M.O.P.No.229/2023 on the file of Sub Court, Virudhunagar and transfer the same to the file of to Sub Court at Devakkottai.

For Appellant(s):

Mr.R. Sundar Srinivasan

For Respondent(s):

Mr.P.Natarajan

ORDER

This case is listed before this Court for rehearing today, as regular Bench, as per the order, dated 15.09.2025, of the Honourable The Chief Justice of this Court.



2.This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the case in HMOP.No.229 of 2023 on the file of the Sub Court, Virudhunagar, and transfer the same to the file of Sub Court, Devakkottai.

3.Heard Mr.R.Sundar Srinivasan, learned counsel for the petitioner and Mr.P.Natarajan, learned counsel for the respondent.

4.The Co-ordinate Bench of this Court, vide order dated 02.04.2024, referring the matter to the Mediation and Conciliation Centre attached to this Bench, had passed the following order:-

“Having regard to the fact that the controversy relates to a matrimonial dispute, it is represented that an effort could be made to amicably resolve the same through mediation.

2.In view of the same, the Sub Court, Virudhunagar is directed to send photocopies of the relevant papers in H.M.O.P.No.229 of 2023 to the Mediation and Conciliation Centre attached to this Court immediately. The parties along with their respective Counsel shall appear before the Mediation Centre at 11.00 a.m. on 17.04.2024 and on the subsequent dates to which it is adjourned. If required, the Mediator may include any other incidental or connected disputes between the parties to be taken up for consideration and may also invite other family members of the parties for such purpose. It shall be ensured that there is day-to-day sittings showing progress of the case and the report of its outcome shall be sent by 12.06.2024 to the Court.

Post the matter before Court on 14.06.2024.”



5. After mediation, The Mediation and Conciliation Centre attached to this Bench had filed its report, dated 26.04.2024, annexing the settlement agreement made between the parties, dated 26.04.2024, which is already on record.

6. As per mediation report, dated 26.04.2024, it is noted that the mediation was completed, as per the agreement entered into between the parties, dated 26.04.2024. The terms of the agreement, dated 26.04.2024 are being reproduced herein below:-

“A. Both the parties agreed to file Mutual Consent Divorce O.P before Sub Ordinate Court, Virudhunagar on or before 28/06/2024.

B. Both parties undertake to exchange their respective articles before or at the time of filing Mutual Consent Divorce petition before Subordinate Court, Virudhunagar.

C. The Respondent hereby undertakes to WITHDRAW the Divorce Petition in H.M.O.P.No.229/2023 pending on the file of Sub Court, Virudhunagar after filing consent divorce petition.

By signing this Agreement, the Parties hereto state that they have no further claims or demands against each other with respect to Tr.C.M.P(MD) No. 150/2024 and all disputes and differences in their regard have been amicably settled by the Parties hereto through the process of Conciliation/Mediation.”

7. Today, when the matter is being taken up, Mr.R.Sundar Srinivasan, learned counsel for the petitioner and Mr.P.Natarajan, learned counsel for the respondent submit that both the parties have entered into compromise and settled the matter amicably, in



terms of the agreement entered into between them dated 26.04.2024. Thus, they pray this Court that the present Transfer Civil Miscellaneous Petition may be disposed of, in terms of the agreement entered into between the parties, dated 26.04.2024, as now there is no cause of action exists in the present Transfer Civil Miscellaneous Petition.

8.It was further submitted that as per the agreement entered into between the parties, dated 26.04.2024, the time for filing a mutual consent divorce petition before the Subordinate Court, Virudhunagar was on or before 28.06.2024. Thus, with the consent of both the parties, the learned counsel for the petitioner as well as the learned counsel for the respondent pray that this Court may grant some further time to the parties to file a mutual consent divorce petition before the Subordinate Court, Virudhunagar, as the time for filing a mutual consent divorce petition before the Subordinate Court, Virudhunagar, as per the agreement entered into between the parties, dated 26.04.2024, expires on 28.06.2024.

9.Accordingly, after considering the arguments as advanced by the learned counsels for the parties and after perusal of the mediation report filed by the Mediation and Conciliation Centre attached to this Bench, dated 26.04.2024 as well as the settlement agreement entered into between the parties, dated 26.04.2024 and also considering the fact that the parties have entered into compromise, this Court deems it appropriate that no



useful purpose will be served in keeping this Transfer Civil Miscellaneous Petition pending before this Court, as now there is no cause of action exists in the present Transfer Civil Miscellaneous Petition.

10. Accordingly, the Transfer Civil Miscellaneous Petition is finally disposed of, in terms of the agreement entered into between the parties, dated 26.04.2024 and with the consent of both the parties as well as their respective counsel, the time for filing a mutual consent divorce petition before the Subordinate Court, Virudhunagar is extended up to 17.11.2025. The parties shall file a mutual consent divorce petition before the Subordinate Court, Virudhunagar on or before 17.11.2025. If any such application is filed by the parties for mutual consent divorce within the time granted by this Court, the learned Subordinate Judge, Virudhunagar, is directed to expedite the proceedings as expeditiously as possible. The settlement agreement dated 26.04.2024 shall form part and parcel of this order. The file is consigned to record. No costs. Consequently, connected Miscellaneous Petition is closed.

13-10-2025

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To

1. The Subordinate Judge, Virudhunagar.

2. The Subordinate Judge, Devakkottai.



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