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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2015

CORAM:

THE HONOURABLE DR. JUSTICE P.DEVADASS

TR.CM.P. (MD) No.334 of 2015

and

M.P. (MD) No.1 of 2015

Ayesha Banu

... Petitioner/Respondent

-vs-

V.Senthilkumar

... Respondent/Petitioner

PRAYER: Petition is filed, under Section 24 of the Code of Civil Procedure, to withdraw the proceedings in Special Marriage O.P.No.6 of 2015, pending on the file of the Family Court, Tiruchirappalli and transfer the same to District Court at Sivaganga.

For Petitioner : Mr.R.Sundar Srinivasan

For Respondent : Mr.P.Mahendran

O R D E R

Wife wants transfer of her husband's Special Marriage O.P.No.6 of 2015, filed for restitution of conjugal rights, from the Family Court, Tiruchirappalli, to the Sub Court, Devakottai.

2. Heard both sides.

3. Ayesha Banu, who is having faith in Allah, fell in love with Senthilkumar, an Hindu. They have decided to become spouses. They were alleged to have married under Special Marriage Act. Now, difference of opinion arose between them. She is in her parents' house. He filed Special Marriage O.P.No.6 of 2015 for restitution of conjugal rights. It is pending before the Family Court, Tiruchirappalli. Since she is residing in Puduvayal in Sivagangai District and she finds it difficult to go to Tiruchirappalli, she wants transfer of the said case.

4. The learned counsel for the respondent would invite our attention to Section 31 of the Special Marriage Act. As per Section 31 of the Special Marriage Act, the District Court alone has jurisdiction.

5. In the circumstances, ordered as under:

<https://hcservices.ecourts.gov.in/hcservices/>

i. The Special Marriage O.P.No.6 of 2015 is transferred from the Family Court, Tiruchirappalli, to the District Court, Sivagangai.



ii. The Judge, Family Court, Tiruchirappalli, shall send the entire case records in Special Marriage O.P.No.6 of 2015 to the District Court, Sivagangai, forthwith.

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iii. The learned District Judge, Sivagangai, will dispose of the Special Marriage O.P.No.6 of 2015, within three months, from the date of receipt of the case records. It is made clear that the disposal also include disposal by way of mediation, conciliation, compromise and settlement.

6. Accordingly, this transfer civil miscellaneous petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

- 1.The Principal District Judge,
Tiruchirappalli.
- 2.The Principal District Judge,
Sivagangai.
- 3.The Judge,
Family Court, Tiruchirappalli.

Copy to:

The Registrar (Judicial),
Madurai Bench of the Madras High Court,
Madurai.

+1cc to M/S..R.Sundar Srinivasan, Advocate in SR.No 59734

+1cc to M/S.P.Mahendran, Advocate in SR.No 59988

TS/15.10.2015/2P - 7C SK-SKN/SAR -II

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