



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.341 of 2021
and
C.M.P.Nos.8070 & 8072 of 2021

S.Nivedha

.. Petitioner

Vs.

S.Arun

.. Respondent

Prayer: This Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the case in H.M.O.P.No.128 of 2021 pending before the Family Court at Thirunelveli and transfer the same to the Family Court, Chennai to be tried on merits.

For Petitioner : Mr.A.Sasikumar

For Respondent : Mr.Jayakumar
for Mr.B.Balamurugan

O R D E R

(The case has been heard through video conference)

The petitioner, being the wife of the respondent herein, has come up with the present petition seeking to transfer H.M.O.P.No.128 of 2021, filed by the respondent for divorce, which is pending on the file of the Family Court, Tirunelveli to the file of the Family Court, Chennai.

2. The learned counsel appearing for the petitioner submitted that the petitioner is residing at Chennai along with her aged parents and she finds it very difficult to travel nearly 628 kms from Chennai to Tirunelveli for attending the Court on every hearings in H.M.O.P.No.128 of 2021. Therefore, on the ground of convenience, she seeks to transfer the case from the Family Court at Tirunelveli to the file of the Family Court at Chennai. The learned counsel appearing for the petitioner further submitted that there is a possibility of settlement between the parties through mediation.

3. Mr.Jayakumar, learned counsel appearing for the



respondent fairly conceded that this petition may be allowed in terms of the prayer as sought for in this petition as there is a chance of settlement between the parties.

4. Considering the above circumstances, this Court is inclined to withdraw H.M.O.P.No.128 of 2021 from the file of the Family Court Tirunelveli and transfer the same to the file of the Family Court at Chennai. The learned Judge, Family Court, Tirunelveli is directed to transmit the papers pertaining to H.M.O.P.No.128 of 2021 to the file of the Family Court, Chennai, forthwith. The learned Judge, Family Court at Chennai, is directed to explore the possibility of settlement between the parties through mediation and in the unlikely event, dispose of the case in H.M.O.P.No.128 of 2021 on merits and in accordance with law as expeditiously as possible.

5. The personal appearance of both parties before the Family Court, Chennai, is dispensed with, except the dates of hearing, on which, the learned Judge insisted upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the Court.

6. In fine, this Transfer Civil Miscellaneous Petition is allowed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

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To

1.The Judge,
Family Court, Tirunelveli.

2.The Judge,
Family Court, Chennai.

+2ccs to Mr.R.Arunkumar, Advocate, S.R.No.38344
+2ccs to Mr.B.Balamurugan, Advocate, S.R.No.38366

Tr.C.M.P.No.341 of 2021 and
C.M.P.Nos.8070 & 8072 of 2021

GSM(CO)
SU(31/08/2021)