



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.489 of 2021

and

C.M.P. (MD) No.9135 of 2021

C.Lawrance Yuvaraj ... Petitioner/Respondent

-vs-

Anupriya ... Respondent/Petitioner

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw the D.O.P.No.125 of 2021 pending on the file of the Family Court, Thoothukudi and transfer to the file of 4th Additional District Court, Madurai.

For Petitioner : Mr.S.Devasena
For Respondent : Mr.S.Deenadhayalan

ORDER

The above petition has been filed by the petitioner/husband for transferring D.O.P.No.125 of 2021 pending on the file of the Family Court, Thoothukudi to the 4th Additional District Court, Madurai.

2.Though this Court originally was inclined to allow the said petition, however, on perusing the records, it is seen that the transferee Court is 4th Additional District Court, Madurai, does not have the jurisdiction to try D.O.P.No.125 of 2021.

3.The only apprehension/difficulty expressed by the petitioner is that the matter is now before the Family Court and therefore, he has to appear for every hearing and he is the resident of Tirunelveli.

4.In the above circumstances, while dismissing the Transfer Civil Miscellaneous Petition, a direction is given to the Family Court, Thoothukudi, not to insist on the presence of the petitioner for all the hearings and he shall appear before the Court only for adducing evidence. It is made clear that the respondent / wife shall cross examine the petitioner on the very same date, when he completes his chief examination. The learned Judge, Family Court, Thoothukudi, is directed to attempt the mediation between the



parties before proceeding to hear the petition in D.O.P.No.125 of 2021. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (P&A)

/ /2022

Sub Assistant Registrar(CS)

cp

Note:-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

- 1.The Judge,
Family Court, Thoothukudi
- 2.The 4th Additional District Judge,
Madurai.

+1 CC to M/s.S.DEVASENA, Advocate (SR-39191[F] dated 16/12/2021)

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-39335[F]
dated 17/12/2021)

Tr.C.M.P. (MD) No.489 of 2021
and
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