



WEB COPY

Tr.C.M.P.(MD) No.546 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.546 of 2021

and

C.M.P. (MD) No.9851 of 2021

Sindhiya

.. Petitioner/Respondent

-vs-

Balavignesh

.. Respondent/Petitioner

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw the case H.M.O.P.No.93 of 2019 on the file of the learned Family Court, Ramanathapuram, Ramanathapuram District and transfer the same to the Family Court, Sivagangai District for adjudication.

For Petitioner

: Mr.D.Balamurugapandi

ORDER

The respondent/wife in a petition for divorce in H.M.O.P.No.93 of 2019 on the file of the learned Judge, Family Court, Ramanathapuram, is the petitioner in the above transfer civil miscellaneous petition.

2.Besides this petition for divorce, the following proceedings are also pending on the file of the Family Court, Ramanathapuram:-

(a) M.C.No.01 of 2021 filed by the petitioner herein for herself and her minor son against the respondent for claiming a sum of Rs.15,000/- for herself and Rs.7,000/- for her minor son.

(b) H.M.O.P.No.35 of 2021 filed by the petitioner herein against the respondent for restitution of conjugal rights.

3.The present transfer is sought for on the ground that the learned counsel for the respondent happens to be a friend of the Presiding Officer and that steps have not been taken by the learned Judge for conducting mediation between the parties. The learned counsel appearing on behalf of the petitioner would reiterate the same in his arguments.

4.After hearing the learned counsel, this Court had suggested that all the three proceedings to be tried together and time shall be fixed for its conclusion.



5.The learned counsel appearing for the petitioner agreed to the above suggestion.

6.In the light of the above, the transfer civil miscellaneous is disposed of with the following directions:-

WEB COPY (a) H.M.O.P.No.93 of 2019, M.C.No.01 of 2021 and H.M.O.P.No.35 of 2021 shall be tried jointly by the learned Judge, Family Court, Ramanathapuram.

(b) before the trial of the proceedings, the Presiding Officer namely, the learned Judge, Family Court, Ramanathapuram, shall refer both parties to the Court attached Mediation Centre to work out the possibility of settlement between the parties and only after receiving a report from the Mediation Centre that the chances of compromise is impossible, the learned Judge shall proceed with the trial of the case. This exercise of mediating the party shall be concluded within a period of two months from the date of receipt of the papers from the court by the Mediation Centre.

(c) after the report is received from the Mediation Centre, the learned Judge shall dispose of the petition within a period of four months from the date of receipt of the report from the Mediation Centre. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /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

The Judge,
Family Court,
Ramanathapuram,
Ramanathapuram District.



COPY TO:

THE OFFICER INCHARGE,
MEDIATION CENTRE,
RAMANATHAPURAM.

+1 CC to M/s.D. BALAMURUGAPANDI, Advocate (SR-35613[F]
dated 24/11/2021)

Tr.C.M.P.(MD) No.546 of 2021

Dated: 24.11.2021

NSN(CO)

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