



TR.C.M.P.(MD) No.251 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2023

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

TR.C.M.P.(MD) No.251 of 2023

and

C.M.P.(MD) No.5661 of 2023

Thaherabanu

... Petitioner

Vs.

Naeem Naushad

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 read with Section 151 of the Code of Civil Procedure, 1908, to withdraw the case in O.S.No.10 of 2023 on the file of the Family Court, Tirunelveli and transfer the same to the Sub Court, Sattur, Virudhunagar District.

For Petitioner : Mr.N.Mariappan

For Respondent : Mr.M.Mahaboob Athiff

ORDER

This Transfer Civil Miscellaneous Petition has been filed to transfer O.S.No.10 of 2023 on the file of the Family Court, Tirunelveli to the file of the Sub Court, Sattur, Virudhunagar District.



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2. The learned counsel for the respondent appears and submits that instead of transferring O.S.No.10 of 2023 from the Family Court, Tirunelveli to the Sub Court, Sattur, Virudhunagar District, the case can be transferred to the Family Court, Srivilliputtur.

3. The learned counsel for the petitioner on the other hand would submit that the petitioner has filed D.V.C.No.1 of 2023 which is pending before the Judicial Magistrate Court - II, Sattur and therefore, there is no point in transferring the case to the Family Court, Srivilliputtur considering the fact that distance between the Sattur and Srivilliputtur is almost 50 kms.

4. He further submits that if the respondent wants to conciliation/mediation of the dispute, the respondent can request the Sub Court, Sattur, Virudhunagar District to refer the parties for mediation before the case is taken up for final hearing.

5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondent.



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6. In view of the submission of the learned counsel for the petitioner, it is fit and proper to transfer O.S.No.10 of 2023 from the Family Court, Tirunelveli to the Sub Court, Sattur, Virudhunagar District. Therefore, O.S.No.10 of 2023 is directed to be transferred from the Family Court, Tirunelveli to the Sub Court, Sattur, Virudhunagar District.

7. The Sub Court, Sattur, Virudhunagar District shall dispose the said O.S., as expeditiously as possible, preferably, within a period of 15 months from the date of receipt of a copy of this order and shall endeavour to refer the parties to mediation in case the parties pray for the same before the case is taken up for final hearing.

8. This Transfer Civil Miscellaneous Petition is allowed with the above directions. No cost. Consequently, connected Miscellaneous Petition is closed.

09.06.2023

NCC : Yes / No
Internet: Yes/No
Index: Yes/ No
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C.SARAVANAN, J.

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To

- 1.The Family Court,
Tirunelveli.
- 2.The Sub Court, Sattur,
Virudhunagar District.

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