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Tr.C.M.P(MD)No.351 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

Tr.C.M.P(MD)No.351 of 2023

and

C.M.P(MD)No.7496 of 2023

Y.Vijayalakshmi

... Petitioner/Respondent

Vs.

N.Yogeshkumar

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Order Rule 1(2) of Civil Procedure Code, to withdraw H.M.O.P.No.860 of 2023 on the file of the Additional Family Court, Coimbatore and transfer the same to the file of the 3rd Additional Sub-Court, Madurai.

For Petitioner

:Mr.N.Dilip Kumar

For Respondent

:Mr.J.Sankarapandian

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.860 of 2023 on the file of the Additional Family Court, Coimbatore and transfer the same to the file of the 3rd Additional Sub-Court, Madurai.



2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and also perused the materials available on record.

3.The learned counsel appearing for the petitioner/wife would submit that the marriage between the petitioner and the respondent was solemnized on 02.09.2009 and out of their wedlock, they were blessed with two children. Due to some misunderstanding between them, the respondent/husband was constrained to file a petition in H.M.O.P.No.860 of 2023 before the Additional Family Court, Coimbatore, for restitution of conjugal rights. Pursuant to which, the petitioner filed an application in H.M.O.P.No.194 of 2023 before the Sub-Court, Thirumangalam, for divorce. Now, the petitioner is residing in her parental home at Madurai and the distance between Madurai and Coimbatore is approximately 210 kms. Therefore, it is very difficult for her to travel from Madurai to Coimbatore and hence, she prays for transferring the case from Coimbatore to Madurai.

4.When such being the position, the petitioner and the respondent had come down a settlement and they had agreed to withdraw the cases filed by them before the concerned Courts and also agreed to file an application seeking mutual divorce on its own terms and conditions before the competent Court.



5.In view of the above said arrangement made between the parties, they have filed a joint compromise memo, dated 28.08.2023 before this Court and the said memo was recorded and the same is extracted hereunder:

“1.It is submitted that the marriage between the petitioner and the respondent was solemnized on 02.09.2009 by following Hindu Rites and Customs at Industries Charities Marriage Hall, Srivilliputhur Road, Sivakasi, and out of their wed lock, two children were born on 09.04.2012 and 20.10.2014 namely Y.Dharun Abhilash and Y.Diyaashini. In the later point of time, since there was frequent misunderstanding and difference of opinion between both of them, they both got separated in the month July, 2022 and living separately.

2.It is submitted that while the facts are being so, the husband filed an application for restitution of conjugal rights before the Honourable Additional Family Court, Coimbatore, and the same was taken on file as HMOP No.860 of 2023. After getting summons in the said case, the petitioner herein had filed an application before this Court seeking transfer of the said case from the existing Court to the Hon'ble III Additional Sub-Court, Madurai. The said application was taken on file as transfer C.M.P(MD)No.351 of 2023 and the same is pending adjudication. In the meantime, the petitioner also filed an application seeking divorce before the Sub-Court, Thirumangalam, Madurai District and the same was pending in HMOP No.194 of 2023.

3.It is submitted that while the circumstances are being so, now both the petitioner as well as the respondent had



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To

- 1.The Additional Family Court,
Coimbatore
- 2.The III Additional Sub-Court,
Madurai.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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31.08.2023