

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM

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

Tr.C.M.P.(MD)No.632 of 2022

and

C.M.P.(MD)No.10157 of 2022

Ramya Jemema, W/o.Reynold Athisayaraj .. Petitioner  
Versus

Reynold Athisayaraj, S/o.Haris Dharmaraj .. Respondent

**Prayer :-** Petition filed under Section 24 of the Code of Civil Procedure, to withdraw I.D.O.P.No.390 of 2022 from the file of the District Court, Srivilliputhur and transfer the same to the file of the Family Court, Tirunelveli or any other Sub Court in Tirunelveli.

For Petitioner : Mr.K.P.Narayanakumar

For Respondent : Mr.C.Ezhilarasan

**ORDER**

This Petition has been filed to withdraw I.D.O.P.No.390 of 2022 from the file of the District Court, Srivilliputhur and transfer the same to the file of the Family Court, Tirunelveli or any other Sub Court in Tirunelveli.

2. The petitioner is the respondent in I.D.O.P.No.390 of 2022 pending on the file of the Principal District Court, Srivilliputhur, filed by the respondent for restitution of conjugal rights.

3. The learned counsel for the respondent submits that the petitioner is not co-operating for resolving the dispute, despite the orders of this Court directing the parties to come for a mediation.

4. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondent. I have also perused the affidavit filed in support of the petition.

5. The respondent is now employed in Chennai and therefore, whether the case is taken up for hearing at Srivilliputhur or at Tirunelveli will have no barring, as the respondent will have to come from Chennai to attend the hearing. On the other hand, the petitioner is depending on her parents and is having a minor child to take care.

6. Considering the above, this Transfer Civil Miscellaneous Petition is allowed, by directing transfer of I.D.O.P.No.390 of 2022, pending on the file of the Principal District Court, Srivilliputhur, to the file of the Family Court, Tirunelveli. The learned Judge, Family Court, Tirunelveli, shall first refer the parties for

mediation and thereafter, take up the case for final hearing, if mediation fails and dispose of the same as expeditiously as possible, preferably within a period of 12 months from the date of receipt of a copy of mediation report. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No  
Index : Yes/No  
Internet : Yes/No  
smn2

29.03.2023

To

1.The Principal District Judge,  
Virudhunagar District @ Srivilliputhur.

2.The Judge,  
Family Court,  
Tirunelveli.

Tr.C.M.P.(MD)No.632 of 2022

**C.SARAVANAN, J.**

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Order made in  
Tr.C.M.P.(MD)No.632 of 2022

29.03.2023