



Tr.C.M.P(MD)No.714 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Tr.C.M.P(MD)No.714 of 2022

and

C.M.P(MD)No.11373 of 2022

Manju Princy ... Petitioner/ Respondent
Vs.

Francis Edision ... Respondent/ Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the case in I.D.O.P.No.364 of 2022 on the file of the Family Court, Dindigul, to Family court, Thanjavur, to try along with I.D.O.P.No.188 of 2022 on the file of the Family Court, Thanjavur.

For Petitioner : Mr.G.Karnan

ORDER

The present transfer civil miscellaneous Petition has been filed by the wife seeking to transfer I.D.O.P.NO.364 of 2022 filed by the husband pending on the file of the Family Court, Dindigul to Family Court, Thanjavur to be tried along with I.D.O.P.No.188 of 2022.



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2. According to the learned counsel for the petitioner, the petitioner/wife had filed I.D.O.P.No.188 of 2022 before the Family Court, Thanjavur, for the relief of divorce. Thereafter, the respondent/husband has chosen to file the present I.D.O.P.No.364 of 2022 before the Family Court, Dindigul for the relief of restitution of conjugal rights. To avoid conflicting orders, the wife has sought to transfer the I.D.O.P., filed by the husband to the Family Court, Thanjavur.

3. Though notice has been served, the respondent neither appears in person nor through counsel.

4. The husband and wife have filed independent applications for divorce and restitution of conjugal rights respectively. In order to avoid conflicting orders, in the interest of justice, this Court passes the following order:

(i) I.D.O.P.No.364 of 2022 pending on the file of the Family Court, Dindigul, is hereby withdrawn and transferred to the file of the Family Court, Thanjavur;



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(ii) On such transfer, the learned Judge, Family Court, Thanjavur, is directed to tag this I.D.O.P.No.364 of 2022 along with I.D.O.P.No. 188 of 2022 and dispose of the same on or before **31.12.2023**, after giving due opportunity to the parties concerned.

5. With the above observation, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

13.02.2023

NCC : Yes / No
Index : Yes / No
Rmk

To

- 1.The Judge, Family Court, Dindigul.
- 2.The Judge, Family Court, Thanjavur.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

Rmk

Order made in
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