



TR.C.M.P. (MD) No. 129 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

TR.C.M.P. (MD) No. 129 of 2024
and
C.M.P. (MD) No. 2720 of 2024

Puviarasi

... Petitioner

-VS-

V.N.Vinothkumar

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw and transfer H.M.O.P. No. 418 of 2023 on the file of the Family Court, Dindigul, to the file of the Family Court, Trichy.

For Petitioner : Mr. B.Jameelarasu

For Respondent : Mr. K.Anand



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ORDER

This application invoking Section 24 of the Code of Civil Procedure, 1908, has been filed relating to a matrimonial dispute between the parties. The Husband, *viz.*, V.N.Vinothkumar, has filed H.M.O.P. No. 418 of 2023 seeking for Restitution of Conjugal Rights from his Wife, *viz.*, Puviarasi, in the Family Court, Dindigul, which is sought to be transferred by the Wife to the Family Court, Trichy.

2. Heard Mr. B.Jameelarasu, Learned Counsel for the Wife, and Mr. K.Anand, Learned Counsel appearing for the Husband and perused the materials placed on record, apart from the pleadings of the parties.

3. It is the case of the Wife that she is having 3 year old child and has difficulty to travel from Trichy to Dindigul without the assistance of adult family members. In such circumstances, this Court is of the considered view that balance of convenience is in favour of conducting the proceedings at the Court within whose territorial limits of jurisdiction where the residence of the Wife is located. Consequently, the case in H.M.O.P. No. 418 of 2023 on the file of the Family Court, Dindigul, is transferred to the Family Court, Trichy. Both



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parties shall appear before that Court on the next date of hearing, which is fixed as 19.07.2024, for conduct of further proceedings from its present stage and on the subsequent dates to which it is adjourned from time to time till final order is passed.

4. As it is represented that an effort could be made to amicably resolve the dispute between the parties through mediation, the Family Court, Dindigul, shall send relevant papers in H.M.O.P. No. 418 of 2023 to the Mediation Centre at Trichy, immediately. The Officer-in-charge of the Mediation Centre shall nominate a Trained Mediator, and both parties, shall appear before the Mediation Centre at 11.00 a.m. on 26.06.2024 and it shall be ensured that there is day-to-day sittings showing progress of the case and the report of its outcome shall be sent by 18.07.2024 to the Family Court, Trichy.

5. Learned Counsel appearing for the Wife made an endorsement that the Wife will file Counter on the next hearing before the Trial Court and will serve its advance copy to the Husband at the Mediation Centre on 20.06.2024 without fail.



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In the result, the Transfer Civil Miscellaneous Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed.

No costs.

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Index : Yes/No
NCC : Yes/No
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Note: Issue order copy by 20.06.2024.

Copy To:-

- 1.The Family Court, Dindigul.
- 2.The Family Court, Trichy.
- 3.The Mediation Centre at Trichy.
- 4.Puviarasi,
C/o.P.Yuvaraj,
W/o.V.N.Vinothkumar,
No. 5 /117, Padma Colony 8th Street,
Annamalai Nagar,
Trichy, Trichy District.
- 5.V.N.Vinothkumar,
S/o.V.Nagarajan,
No.4, Kanthavel Nagar,
Nanthavanappatti,
Dindigul Taluka,
Dindigul District.



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P.D. AUDIKESAVALU, J.

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