



TR.C.M.P. (MD) Nos. 171 of 2022 and 243 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2024

CORAM

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

TR.C.M.P. (MD) Nos. 171 of 2022 and 243 of 2024
and
C.M.P. (MD) No. 3081 of 2022 & 5670 of 2024

A.Nancy ... Petitioner in Tr.CMP(MD)No.171/22
... Respondent in Tr.CMP(MD)No.243/24

-VS-

1.A.Arokia Maria Michealraja ... R1 in Tr.CMP(MD)No.171/22
... Petitioner in Tr.CMP(MD)No. 243/24
2.Bennyson ... R2 in Tr.CMP(MD)No.171/22

Prayer in TR.C.M.P. (MD) Nos. 171 of 2022:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw I.D.O.P. No. 10 of 2022 on the file of the Principal District Court, Dindigul and transfer the same to the file of the Family Court, Thanjavur.

Prayer in TR.C.M.P. (MD) Nos. 243 of 2024:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw the case in I.D.O.P. No. 90 of 2022 on the file of the Family Court, Thanjavur and transfer the same to the file of the Principal District Court, Dindigul to try along with I.D.O.P. No. 10 of 2022.



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For Petitioner in Tr.CMP(MD)No.171/22
Respondent in Tr.CMP(MD)No.243/24 : Mr. C.Senthil Murugan

For R1 in Tr.CMP(MD)No.171/22
Petitioner in Tr.CMP(MD)No. 243/24 : Mr. K.Thenrajan

COMMON ORDER

These applications invoking Section 24 of the Code of Civil Procedure, 1908, have been filed relating to a matrimonial dispute between the parties. The Wife, *viz.*, A.Nancy, has filed I.D.O.P. No. 90 of 2022 seeking for restitution of conjugal rights in the Family Court, Thanjavur, which is sought to be transferred by the Husband, *viz.*, A.Arokia Maria Michealraja, to the Principal District Court, Dindigul. The Husband has filed I.D.O.P. No. 10 of 2022 seeking for divorce from his Wife in the Principal District Court, Dindigul, which is sought to be transferred by the Wife to the Family Court, Thanjavur.

2. Heard Mr. K.Thenrajan, Learned Counsel for the Husband, Mr. C.Senthil Murugan, Learned Counsel appearing for the Wife and perused the materials placed on record, apart from the pleadings of the parties.



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3. Learned Counsel appearing for the Husband and the Wife jointly agree that the cases may be conducted at the Family Court, Trichy, which could be conveniently accessed by both parties, and they have made a joint endorsement to that effect in the court record. It has also been undertaken that the Husband would pay the costs in advance that may be determined by the Family Court, Trichy for the travel of the Wife whenever her personal appearance is required in the cases. In respect of other hearings, the Wife shall be entitled to appear through video-conferencing facility in the Trial Court, if she is not able to attend physically. The counsel appearing for the Husband and Wife have also made an endorsement accepting the aforesaid arrangement to be followed by the parties for the proper conduct of cases before the Trial Court.

4. In view of the same, the cases in I.D.O.P. No. 90 of 2022 and I.D.O.P. No. 10 of 2022 on the file of the Family Court, Thanjavur and the Principal District Court, Dindigul respectively are transferred to the Family Court, Trichy, and both parties shall appear before that Court on 05.06.2024 for conduct of further proceedings from their present stage and on the subsequent dates to which they are adjourned from time to time till final orders are passed.



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In the result, the Transfer Civil Miscellaneous Petitions are ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

22.04.2024

Index : Yes/No
NCC : Yes/No

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Note: Issue order copy by 30.04.2024.

Copy To:-

1. Family Court, Thanjavur.
2. The Family Court, Trichy.
3. The Principal District Court, Dindigul.
4. A. Nancy,
W/o. A. Arockia Maria Michealraja,
No. 85, Tamil Nagar,
10th Street, Medical College Road,
Thanjavur – 613 004.
5. Mr. A. Arockia Maria Michealraja,
7/414, Vengetramanan 1st Street,
NGGO Colony,
Nagamalai Pudukkottai,
Maduria – 625 019.



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P.D. AUDIKESAVALU, J.

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