



Tr. C.M.P. (MD) No.304 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2024

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

Tr. C.M.P. (MD) No. 304 of 2023

and

C.M.P. (MD) No. 6867 of 2023

T.Sivaranjani

... Petitioner

Vs.

C.Durgeshwaran

... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw the petition in O.P. No. 63 of 2023 on the file of the Sub Court, Uthamapalayam and transfer the same to the Family Court, Madurai.

For Petitioner : Mr. A.John Vincent

For Respondent : Mr. J.Senthil Kumaraiah



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ORDER

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This application for transfer of the case invoking Section 24 of the Code of Civil Procedure, 1908, has been filed relating to a matrimonial dispute between the parties. The Husband, viz., C.Durgeshwaran, has filed O.P. No. 63 of 2023 in the Sub-Court, Uthamapalayam, seeking for restitution of conjugal rights from his Wife, viz., T.Sivaranjani, which is sought to be transferred by the Wife to the Family Court, Madurai.

2. Heard Mr. A.John Vincent, Learned Counsel for the Wife and Mr. J.Senthil Kumariah, Learned Counsel for the Husband and perused the materials placed on record, apart from the pleadings of the parties.

3. As the application relates to *inter se* dispute between the family members, the matter was referred to mediation and the Husband and the Wife had participated in it and they have entered into a settlement agreement dated 20.03.2024 before the Mediator, which is annexed to this order, and shall form part and parcel of it. It shall be obligation of the respective parties to carry out their respective obligations and in the event of any failure, the



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aggrieved party is not precluded from working out his/her rights before the proper forum in the manner recognized by law.

4. In view of the same, Learned Counsel appearing for the Petitioner seeks permission of this Court to withdraw this Transfer Civil Miscellaneous Petition and he has made an endorsement to that effect in the court record.

In the result, the Transfer Civil Miscellaneous Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed. No costs.

29.04.2024

Index : Yes/No
NCC : Yes/No

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To

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1. The Sub Court, Uthamapalayam.
2. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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P.D.AUDIKESAVALU,J.

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