



TR.C.M.P. (MD) Nos. 297 and 298 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2024

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

TR.C.M.P. (MD) Nos. 297 and 298 of 2023
and
C.M.P. (MD) Nos. 6817 and 6818 of 2023

Sabeen ... Petitioner in both petitions
-VS-

Fayaz Mustafa ... Respondent in both petitions

PRAYER in TR. C.M.P. (MD) No. 297 of 2023:- Transfer Civil Miscellaneous Petitions filed under Section 24 of the Civil Procedure Code, 1908, to withdraw G.W.O.P. No. 59 of 2023 on the file of the Family Court, Ramanathapuram and transfer the same to the Additional District Court, Tenkasi.

PRAYER in TR. C.M.P. (MD) No. 298 of 2023:- Transfer Civil Miscellaneous Petitions filed under Section 24 of the Civil Procedure Code, 1908, to withdraw O.S. No. 5 of 2023 on the file of the Family Court, Ramanathapuram and transfer the same to the Additional District Court, Tenkasi.

In both petitions:

For Petitioner : Mr. R.Jenifar Bibin

For Respondent : Mr. D.Balamurga Pandi



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COMMON ORDER

These applications invoking Section 24 of the Code of Civil Procedure, 1908, have been filed relating to matrimonial disputes between the parties. The Husband, *viz.*, Fayaz Mustafa, has filed O.S. No. 5 of 2023 seeking for divorce from his Wife, *viz.*, Sabeena, and G.W.O.P. No. 59 of 2023 to restrain the Wife from interfering with the custody of the child in the Family Court, Ramanathapuram, which are sought to be transferred by the Wife to the Family Court, Tenkasi.

2. Heard Mr. R.Jenifar Bibin, Learned Counsel for the Wife, Mr. D.Balamuga Pandi, Learned Counsel appearing for the Husband and perused the materials placed on record, apart from the pleadings of the parties.

3. Learned Counsel appearing for the Husband and the Wife agree that all the cases may be conducted at the Principal Family Court, Chennai, which could be conveniently accessed by both parties, and they have made a joint endorsement to that effect in the court record.



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4. In view of the same, the cases in O.S. No. 5 of 2023 and G.W.O.P. No. 59 of 2023 on the file of the Family Court, Ramanathapuram are transferred to the Principal Family Court, Chennai, and both parties shall appear before that Court on the next date of hearing, which is fixed as 05.06.2024, 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.

5. As it is represented that an effort could be made to amicably resolve the disputes between the parties through mediation at Chennai, it shall be incumbent upon the Family Court, Ramanathapuram to send the photocopies of the relevant papers to the Mediation Centre attached to the Principal Seat of this Court at Chennai immediately. The Director, Mediation and Conciliation Centre, Madras High Court, Chennai shall nominate a Trained Mediator, and the parties along with their respective Counsel shall appear before that Mediation Centre at 11.00 a.m. on 17.05.2024 and on the subsequent dates to which it is adjourned. If required, the Mediator may include any other incidental or connected disputes between the parties to be taken up for consideration and may also invite other family members of the parties for such



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purpose. 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 03.06.2024 to the Principal Family Court, Chennai, and depending upon its outcome, that Court shall determine the course of action for conduct of further proceedings in O.S. No. 5 of 2023 and G.W.O.P. No. 59 of 2023 in accordance with law.

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

26.04.2024

Index : Yes/No
NCC : Yes/No

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Note: Issue order copy by 08.05.2024.

Copy To:-

1. The Officer Incharge,
Tamil Nadu Mediation and Conciliation Centre,
Madurai Bench of Madras High Court Campus,
Madurai – 625 023.
2. The Family Court, Ramanathapuram.
3. The Principal Family Court, Chennai.



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4. The Director,
Mediation and Conciliation Centre,
Madras High Court,
Chennai – 600104.

5. Sabeena,
W/o. Fayaz Mustafa,
Door No. 21-A, East Mosque Street,
Puliyankudi Post,
Kadayanallur Taluk,
Tenkasi District.

6. Fayaz Mustafa,
S/o. Sahul Hameed,
Door No. 1/22, Marakkaiyarpattinam Village,
Marine Fisheries Post,
Ramanathapuram Taluk and District.



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P.D. AUDIKESAVALU, J.

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