



Tr.C.M.P(MD)No.423 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.423 of 2024
and
C.M.P(MD)No.9268 of 2024

Pavithra

... Petitioner

Vs.

Selvakumar

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw D.O.P.No.313 of 2023 pending on the file of the Principal District Court, Tirunelveli and transfer the same to the Family Court, Thoothukudi and tag along with O.S.No.1 of 2024 pending on the file of the Family Court, Thoothukudi.

For Petitioner : Mr.S.Muthu Malai Raja

For Respondent : Mr.M.Pandian

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw D.O.P.No.313 of 2023 pending on the file of the Principal District Court, Tirunelveli and transfer the same to the Family Court, Thoothukudi and



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tag along with O.S.No.1 of 2024 pending on the file of the Family Court, Thoothukudi.

2. The learned counsel for the petitioner/wife submits that the marriage between the petitioner and the respondent was solemnized on 24.02.2023 as per Christian rites and customs at Subasri Mahal, Ramaiyyanpatti. Due to some difference of opinion, they have separated. The respondent/husband has filed a petition in D.O.P.No.313 of 2023 on the file of the Principal District Court, Tirunelveli seeking restitution of conjugal rights and the petitioner/wife has already filed a petition in O.S.No.1 of 2024 on the file of the Family Court, Thoothukudi to declare the marriage as null and void. He would further submit that the petitioner is a native of Thoothukudi and she finds it difficult to travel 85 kms from Thoothukudi to Tirunelveli. Hence, she seeks to transfer the case as prayed for.

3. The learned counsel for the respondent submits that the distance between Tirunelveli and Thoothukudi is 50 kms and it may not be difficult for the petitioner to travel such distance and prays that the petition may be dismissed.



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4. Considering the facts and circumstances of the case and also considering the convenience of the petitioner/wife, this Court is inclined to allow this petition.

5. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed and D.O.P.No.313 of 2023 pending on the file of the Principal District Court, Tirunelveli is hereby withdrawn and transferred to the file of the Family Court, Thoothukudi.

6. The learned Principal District Judge, Tirunelveli is directed to transmit the entire records pertaining to the case in D.O.P.No.313 of 2023 to the Family Court, Thoothukudi within a period of three weeks from the date of receipt of a copy of this order. On receipt of records, the learned Judge, Family Court, Thoothukudi is directed to take the case on file and to be tried along with O.S.No.1 of 2024 and dispose of the same on merits in accordance with law. No costs. Consequently, the connected Miscellaneous Petition is closed.

27.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD



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To

- 1.The Principal District Judge,
Tirunelveli.
- 2.The Family Court,
Thoothukudi.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Order made in
Tr.C.M.P(MD)No.423 of 2024
and
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