



Tr.C.M.P(MD)No.487 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:13.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Tr.C.M.P(MD)No.487 of 2023

and

C.M.P.(MD)No.10533 of 2023

K.Jesu Ebziba Beaula

.. Petitioner/Respondent

Vs.

S.Selvakumar

.. Respondent/ Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in IDOP.No33 of 2023 from the file of the learned Principal District and Sessions Judge, Theni and transfer the same to the file of the Family Court, Thoothukudi, to try along with the case in IDOP.No.227 of 2023 on the file of the Family Court, Thoothukudi.

For Petitioner : Mr.N.Pragalathan

For Respondent : Mr.B.Fazil Kirmani



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ORDER

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The wife is the petitioner herein. The husband is the respondent. The petitioner/wife filed IDOP.No.227 of 2023 before the Family Court, Thoothukudi, seeking a decree of divorce and the same is pending. In the meantime, the respondent/husband filed IDOP.No.33 of 2023 before the Principal District and Sessions Court, Theni, seeking restitution of conjugal right. Both the matters are pending before two different Courts. Hence, this petition has been filed to transfer the IDOP.No33 of 2023 from the file of the learned Principal District and Sessions Judge, Theni, to the file of the Family Court, Thoothukudi.

2. The learned counsel for the petitioner submitted that the petitioner is now residing at Thoothukudi and she has to travel about 225 kms to attend the Court proceedings from Thoothukudi to Theni District. He further submitted that the petitioner, being a lady, cannot travel without the help of others. Hence, the petitioner filed this petition to transfer the IDOP.No33 of 2023 from the file of the learned Principal District and Sessions Judge, Theni, to the file of the Family Court, Thoothukudi, to conduct joint trial.



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3. Considering the pendency of the two cases in two different Courts, this Court withdraws the IDOP.No33 of 2023 from the file of the learned Principal District and Sessions Judge, Theni, and transfers the same to the Family Court, Thoothukudi. The Principal District and Sessions Court, Theni is directed to transfer the entire records in IDOP.No33 of 2023 to the transferee Court forthwith. The transferee Court shall receive the records and assign a new number, send notice to both parties and proceed both the matters jointly.

4. With the above direction, this Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected miscellaneous petition is closed.

13.03.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
PJL

To

1. The Principal District and Sessions Judge, Theni.
2. The Judge, Family Court, Thoothukudi.



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G.ILANGO VAN, J.

PJL

3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

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