



Tr.C.M.P. (MD) No. 569 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.04.2024**

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

Tr. C.M.P. (MD) No. 569 of 2023
and
C.M.P. (MD) No. 13028 of 2023

Gayathiri

... Petitioner

Vs.

Suresh

... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code, 1908, to pass an order withdrawing the divorce petition in H.M.O.P No. 228 of 2023 on the file of the Family Court, Sivagangai and to transfer the same to the file of the Subordinate Court, Paramakudi, to be jointly tried with the petition for restitution of conjugal rights in H.M.O.P No.81 of 2023.

For Petitioner : Mr. T.R.Jeyapalam

For Respondent : Mr. S.Rameshkumar



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ORDER

Heard Mr. T.R.Jeyapalam, Learned Counsel for the Petitioner, Mr. S.Rameshkumar, Learned Counsel appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner (hereinafter referred to as 'wife') has filed H.M.O.P. No. 81 of 2023 for Restitution of Conjugal Rights before the Sub Court, Paramkudi and the Respondent (hereinafter referred to as 'husband') has filed H.M.O.P. No. 228 of 2023 seeking divorce in the Family Court, Sivagangai. In this application, the wife has sought for transfer of the proceedings in H.M.O.P. No. 228 of 2023 before the Family Court, Sivagangai to the Sub Court at Paramakudi.

3. Learned Counsel for the husband, on instructions, states that there is no objection for such transfer and he has made an endorsement to that effect in the court record. In such circumstances, the Family Court, Sivagangai shall send the entire records in H.M.O.P. No. 228 of 2023 to the Sub Court at



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Paramakudi to be tried along with H.M.O.P. No. 81 of 2023 and both cases shall be listed for hearing on 29.04.2024 for joint trial. In the event that it is not possible to take up the case for hearing on the said date, the Sub-Court, Paramakudi shall inform the next date of hearing to the contesting parties under written acknowledgement.

4. It shall be ensured by the Sub-Court, Paramakudi that there is atleast one effective hearing every month showing progress of the cases and quarterly reports in that regard shall be sent to the Registrar (Judicial) of the Court till final orders are passed in those cases.

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

02.04.2024

Index : Yes/No
Internet : Yes/No
pal/sm

**Note: (i) Issue order copy by 22.04.2024.
(ii) If the quarterly report is not received from the**

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Sub-Court or it is reported either of the parties are not cooperating to comply with the aforesaid order, the matter shall be listed before the Court.

TO:

- 1.The Family Court Judge, Sivagangai.
- 2.The Subordinate Judge, Paramakudi,



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P.D.AUDIKESAVALU,J.

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