



TR.C.M.P. (MD) No.750 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2024

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

TR.C.M.P. (MD) No. 750 of 2022

and

C.M.P. (MD) No. 12066 of 2022

Kousalya

... Petitioner

Vs.

Malaisamy

... Respondent

PRAYER:- Petition filed under Section 24 r/w Section 151 of the Civil Procedure Code, to withdraw the case in H.M.O.P. No. 1239 of 2021 on the file of the Family Court, Nagercoil and transfer the same to the Family Court, Theni.

For Petitioner : Mr. A.Rajaram

For Respondent : Mr. J.Senthil Kumariah



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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., M.Malaisamy, has filed H.M.O.P. No. 1239 of 2021 in the Family Court, Nagercoil, seeking for divorce from his Wife, viz., U.Kousalya, which is sought to be transferred by the Wife to the Family Court, Theni.

2. Heard Mr. A.Rajaram, 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 13.06.2023 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.

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

30.04.2024

Index : Yes/No
NCC : Yes/No

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TO:

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- 1.The Family Court, Nagercoil.
- 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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