



Tr. C.M.P. (MD) No.729 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **22.04.2024**

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

Tr. C.M.P. (MD) No. 729 of 2023
and
C.M.P. (MD) No. 16308 of 2023

S.N.MD Ali Zinnah

... Petitioner

Vs.

B.Ahamed Hameeda Riswana

... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code, 1908, to pass an order to transfer the above O.S.No.162 of 2023 on the file of the Principal District Munsif Court, Virudhunagar to the Family Court, Chennai.

For Petitioner : Mr. A.Haja Mohideen

For Respondent : No appearance



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ORDER

This application invoking Section 24 of the Code of Civil Procedure, 1908, has been filed relating to a matrimonial dispute between the parties. The Wife, *viz.*, B.Ahamed Hameeda Riswana, has filed O.S. No. 162 of 2023 seeking dissolution of marriage with her husband, *viz.*, S.N.MD Ali Zinnah, before Principal District Munsif Court, Virudhunagar (hereinafter referred to as 'Trial Court' for the sake of clarity and convenience), which is sought to be transferred by the Husband to the Family Court, Chennai.

2. Heard Mr. A.Haja Mohideen, Learned Counsel for the Husband, and perused the materials placed on record, apart from the pleadings of the parties. There is no appearance for the Respondent, when the matter is called at 1.25 pm and 2.45 pm, today in Court.

3. Having regard to the fact that inconvenience would be caused to the Wife, who would have to travel to Chennai, if the case is transferred as sought by the Husband in this Transfer Petition, Learned Counsel appearing



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for the Husband instead agrees that the Husband and his witnesses residing outside the territorial limits of jurisdiction of the Principal District Munsif Court, Virudhunagar, may be examined through a Commission appointed by the Trial Court and fixing the remuneration in terms of Rule 4 read with Rules 7, 8, 15, 16, 16-A, 17, 18 and 18-B of Order XXVI of the Civil Procedure Code, 1908, which shall be videographed at the cost fully borne in advance by the Husband. In respect of other hearings, the Husband shall be entitled to appear through video-conferencing facility in the Trial Court, if he is not able to attend physically. The counsel appearing for the Husband has also made an endorsement accepting the aforesaid arrangement to be followed by the parties for the proper conduct of case before the Trial Court.

4. As it is represented that an effort could be made to amicably resolve the disputes between the parties through mediation at Srivilliputtur, the Principal District Munsif Court, Virudhunagar, shall send photocopies of the relevant papers to the Mediation Centre attached to the Court at Srivilliputtur, immediately. The District Judge, Virudhunagar District, Srivilliputtur shall nominate a Trained Mediator, and the parties along with their respective Counsel shall appear before the Mediation Centre at 11.00 a.m. on

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08.05.2024 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 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 District Munsif Court, Virudhunagar, which shall keep further proceedings of the matter in abeyance till then, and take up the case on 05.06.2024 to determine the next course of action to be followed in accordance with law.

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

22.04.2024

Index : Yes/No
NCC : Yes/No
sm



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To

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1. The Principal District Munsif Court, Virudhunagar.
2. The District Court, Srivilliputtur.

Copy to:-

1. Mr. S.N. MD Ali Zinnah,
S/o. S.T. Nagoor Meeran,
47/2, Elephant Tank,
First Street,
Royapettah,
Chennai – 600 014.
2. Ms. B. Ahamed Hameeda Riswana,
W/o. S.N. MD Ali Zinnah,
D/o. Basheer Ahamed,
D.No. 47/27,
Barma Colony,
Pavali Road,
Virudhunagar District.



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P.D.AUDIKESAVALU,J.

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