



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

Tr.C.M.P (MD) No.339 of 2014

and

M.P (MD) Nos.1 to 3 of 2014

Dr.A.Saravanan Naidu

... Petitioner

Vs.

1.R.Shalini @ Suthasini

2.Dr.S.Venkatprabu

... Respondents

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the petition in M.C.No.26 of 2014 pending on the file of Additional Chief Judicial Magistrate, Madurai and transfer the same to be tried jointly along with H.M.O.P.No.502 of 2013 and H.M.O.P.No.393 of 2013 on the file of III Additional Sub Court, Madurai.

For Petitioner : Mr.V.Janakiramulu

For R1 : Mr.S.Vellaichamy

For R2 : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in M.C.No.26 of 2014 pending on the file of Additional Chief Judicial Magistrate, Madurai and transfer the same to be tried jointly along with H.M.O.P.No.502 of 2013 and H.M.O.P.No.393 of 2013 on the file of III Additional Sub Court, Madurai.

2. The petitioner herein is the husband of the first respondent. The marriage was solemnized between the petitioner and the first respondent on 30.11.2012. Due to misunderstanding, the first respondent refused to live with the petitioner and left the matrimonial home. The petitioner/husband filed H.M.O.P.No.502 of 2013 before the III Additional Sub Court, Madurai for dissolution of marriage. During the pendency of the petition, the first respondent filed H.M.O.P.No.393 of 2013 for Restitution of Conjugal Rights before the same Court. The first respondent also filed M.C.No.26 of 2014 before the Additional Chief Judicial Magistrate, Madurai. On 25.11.2013, the first respondent gave a police complaint before the Superintendent of Police, Madurai and on enquiry by All Women Police Station, <https://hservices.courts.gov.in/hservices/> the first respondent agreed to withdraw her complaint and received all the jewels and articles given to her



at the time of marriage. On 22.12.2013 an undertaking was entered into between the petitioner and the first respondent to resolve their dispute.

3. The issue involved in both the H.M.O.Ps and maintenance case are one and the same. The dates of hearing are all different dates in the H.M.O.Ps. as well as maintenance case. Therefore, the petitioner and the first respondent are made to appear on different dates which affect their professional work. Therefore, the petitioner filed the present petition for transfer of M.C.No.26 of 2014 from Additional Chief Judicial Magistrate, Madurai to III Additional Sub Court, Madurai to be tried along with H.M.O.P.Nos.502 and 393 of 2013.

4. The first respondent entered appearance through counsel and not filed any counter affidavit.

5. Heard the learned counsel appearing for the petitioner and the first respondent.

6. Admittedly, the petitions filed by the petitioner and the first respondent for Restitution of Conjugal Rights and for Dissolution of Marriage are pending before the III Additional Sub Court, Madurai. M.C.No.26 of 2014 filed by the first respondent is pending before the Additional Chief Judicial Magistrate, Madurai. The issue involved in H.M.O.P.Nos.502 and 393 of 2013 and M.C.No.26 of 2014 are interlinked. In order to avoid conflicting decisions and in the interest of justice, M.C.No.26 of 2014 pending before the Additional Chief Judicial Magistrate, Madurai is ordered to be transferred.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and M.C.No.26 of 2014 on the file of the Additional Chief Judicial Magistrate, Madurai, is hereby withdrawn and transferred to the file of the III Additional Sub Court, Madurai, to be tried along with H.M.O.P.Nos.502 and 393 of 2013 filed by the petitioner and the first respondent, if the same is not yet disposed of. The learned Additional Chief Judicial Magistrate, Madurai, is directed to send the case bundles to the III Additional Sub Court, Madurai, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)Nos.1 to 3 of 2014 are closed.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/



To

1.The Additional Chief Judicial Magistrate, Madurai.

2.The III Additional Sub Court, Madurai.

Copy To:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai

+1cc to MR.S.Vellaichamy, Advocate Sr.No26863

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AA/23.06.2015/ 3p- 5c/

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