



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.364 of 2014

and

M.P(MD)No.1 of 2014

S.Maheswaran

... Petitioner/Respondent

Vs.

Gayathri

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.22 of 2014 on the file of the III Sub Court, Madurai and Camp Court at Thirumangalam, Madurai District and transfer the same to the Family Court to be tried along with the H.M.O.P.No.507 of 2013, Madurai.

For Petitioner : Mr.B.A.Muruganantham

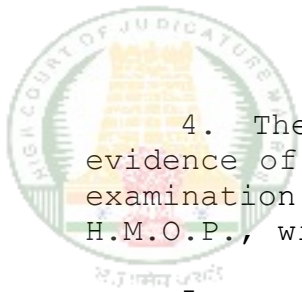
For Respondent : Mr.K.K.Ravie

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.22 of 2014 on the file of the III Sub Court, Madurai and Camp Court at Thirumangalam, Madurai District and transfer the same to the Family Court to be tried along with the H.M.O.P.No.507 of 2013, Madurai.

2. The petitioner herein is the husband and the respondent is the wife. The marriage was solemnized between the petitioner and the respondent on 24.02.2012. The petitioner filed H.M.O.P.No.507 of 2013 before the Family Court, Madurai. The respondent filed H.M.O.P.No.22 of 2014 before the III Sub Court, Madurai (Camp Court at Thirumangalam) Madurai District for Restitution of Conjugal Rights.

3. The learned counsel for the petitioner submitted that in H.M.O.P.No.507 of 2013 the trial has started. The evidence on behalf of the petitioner is closed and the respondent has also filed the proof affidavit before the Family Court, Madurai on 28.08.2014, while the case was posted for cross-examination of the respondent, she filed H.M.O.P.No.22 of 2014 before the Sub Court, Madurai (Camp Court at Thirumangalam) for Restitution of Conjugal Rights. The respondent is residing within the jurisdiction of the Family Court, Madurai. The petition for divorce filed by the petitioner is in the final stage of trial. The petition filed by the respondent is at initial stage. In order to avoid conflicting of decision, it will be in the interest of justice, the H.M.O.P.No.22 of 2014 is transferred to Family Court, Madurai to be tried along with H.M.O.P.No.507 of 2013. The learned counsel for the respondent has no objection for transferring the case.



4. The learned counsel for the petitioner represented that the evidence of the petitioner is closed and it is posted only for the cross-examination of the respondent and prayed for direction to complete the H.M.O.P., within the time stipulated.

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

6. In the result, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.22 of 2014 on the file of the III Sub Court, Madurai (Camp Court at Thirumangalam) Madurai District is hereby withdrawn and transferred to the file of the Family Court, Madurai to be tried along with H.M.O.P.No.507 of 2013 filed by the petitioner, if the same is not yet disposed of. The learned III Sub Court, Madurai (Camp Court at Thirumangalam) is directed to send the case bundles to the Court of the Family 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)No.1 of 2014 is closed. The Family Court, Madurai is directed to complete the trial as expeditiously as possible in any event not later than 30th July 2015.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

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To

1.III Sub Court,
Madurai (Camp Court) at Thirumangalam

2.The Family Court,
Madurai.

COPY TO:

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

+1cc to MR.B.A.MURUGANANTHAM,ADVOCATE IN SR NO. 18841

Tr.C.M.P. (MD)No.364 of 2014
15.04.2015

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