



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.06.2015

CORAM
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

Tr.C.M.P(MD)No.435 of 2014
and
M.P(MD)No.1 of 2014

C.R.Ramesh Babu

... Petitioner

Vs.

C.R.Usha

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to Transfer H.M.O.P.No.63/2010 pending on the file of Family Court, Madurai to 3rd Additional Subordinate Court, Madurai for disposal in the interest of justice.

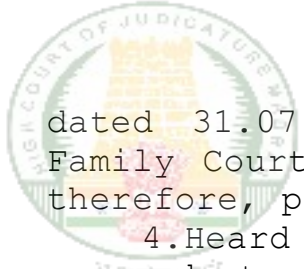
For Petitioner	: Mr.R.G.Shankar Ganesh
For Respondent	: Mr.T.K.Gopalan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.63/2010 pending on the file of the Family Court, Madurai to 3rd Additional Subordinate Court, Madurai for disposal.

2. The petitioner herein is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 05.11.1995, as per Hindu Rites and Customs. Due to misunderstanding, both are living separately. According to the petitioner, he is working as Customs Inspector. He has filed H.M.O.P.No.63 of 2010 against the respondent for divorce on the file of the Family Court, Madurai. H.M.O.P.No.63 of 2010 is posted once in 10 days for hearing. He was not granted leave to attend the hearing and therefore, he took leave on loss of pay. Now, he has been transferred to Manamadurai as Superintendent of Central Excise. Therefore, he has come out with this petition.

3. The respondent has filed counter affidavit denying all the averments made by the petitioner. She has stated that only to drag on the proceedings in H.M.O.P.No.63 of 2010, the petitioner has filed this petition. In the H.M.O.P.No.63 of 2010, the Family Court, Madurai directed the petitioner to pay interim maintenance of Rs.3,000/-. He has not paid that amount. Therefore, the respondent filed execution petition and warrant of arrest has been issued against the petitioner. To make the petitioner to pay the interim maintenance, the H.M.O.P., is posted once in 10 days. Already the petitioner has filed Tr.C.M.P.No.169 of 2014. This Court by the order



dated 31.07.2014 dismissed the said Tr.C.M.P., and directed the Family Court, Madurai to dispose the case as early as possible and therefore, prayed for dismissal of Tr.C.M.P.

4. Heard the learned counsel appearing for the petitioner and the respondent.

5. The petitioner is seeking transfer on the ground that he is a Government Servant, now transferred to Manamadurai and not able to get leave to attend the hearing once in 10 days. On the otherhand, the respondent has stated that in order to avoid payment of interim maintenance and to drag on the proceedings in H.M.O.P.No.63 of 2010, the petitioner has come out with the present petition.

6. From the pleadings, it is seen that the petitioner is residing at Madurai and Tr.C.M.P, filed by petitioner for the very same reason was dismissed by this Court. Therefore, I am inclined to accept the contention of the learned counsel for the respondent that only to avoid payment of maintenance and to drag on the proceedings in H.M.O.P.No.63 of 2010 this petition is filed.

7. For the above reason, the Transfer Civil Miscellaneous Petition is dismissed.

8. The H.M.O.P., is of the year 2010, the learned Family Court Judge, Madurai is directed to dispose of the H.M.O.P.No.63 of 2010 as expeditiously as possible in any event, not later than 31st December 2015. No costs. Consequently, connected Miscellaneous Petition is closed.

SD

ASST REGISTRAR (RTI)

TRUE COPY

SUB ASST REGISTRAR

am
To
The Judge, Family Court,
Madurai.

1CC TO MR. T.K. GOPALAN, ADV SR: 33674

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M.P(MD)No.1 of 2014