



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2015

WEB COPY

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.148 of 2015

K.Kathiravan Rayan

... Petitioner

Vs.

K.Irudaya Jancy

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case I.D.O.P.No.271 of 2004 on the file of the Principle District Judge, Family Court, Coimbatore and to transfer the same to the file of the District Sessions Court, Tirunelveli.

For Petitioner : Mr.K.Sudalaiyandi

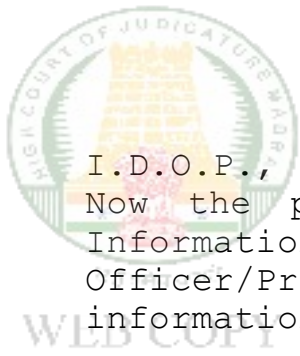
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in I.D.O.P.No.271 of 2004 on the file of the Principle District Judge, Family Court, Coimbatore and to transfer the same to the file of the District Sessions Court, Tirunelveli.

2. The petitioner herein is the husband. The respondent is the wife. The marriage was solemnized between the petitioner and the respondent on 14.10.1998 as per the Christian Rites and Customs. Due to difference of opinion, the petitioner filed I.D.O.P.No.271 of 2004 before the Family Court, Coimbatore for Dissolution of Marriage.

3. According to the petitioner, the respondent filed Tr.C.M.P.No.12870 of 2004 before this Court. This Court, by the order dated 11.09.2004 allowed the Tr.C.M.P., ordering the transfer of I.D.O.P.No.271 of 2004 from Family Court, Coimbatore to Sub Court, Tirunelveli. By the letter dated 01.12.2006, the Family Court, Coimbatore sent all the case bundle to the Principal Sub Court, Tirunelveli. The Principal Sub Court, Tirunelveli by the letter dated 05.06.2007 returned the case to the Family Court, Coimbatore. I.D.O.P.No.271 of 2004 stating that Principal Sub Court, Tirunelveli has no jurisdiction to entertain the



I.D.O.P., The parties were not informed about the proceedings. Now the petitioner obtained information under the Right To Information Act about the proceedings. The Public Information Officer/Principal District Judge, Coimbatore furnished the above information by the letter dated 24.12.2014 to the petitioner.

4. Therefore, the petitioner has come out with the present Tr.C.M.P., Notice was ordered to the respondent. The same was served on her. She has not chosen to appear either in person or through pleader.

5. Already Tr.C.M.P.No.12870 of 2004, this Court by the order dated 11.09.2004 transferred the I.D.O.P.No.271 of 2004 from Family Court, Coimbatore to Principal Sub Court, Tirunelveli. But Principal Sub Court, Tirunelveli has no jurisdiction to try the I.D.O.P. Therefore, the case bundle was returned to Family Court, Coimbatore by the letter dated 05.06.2007. The parties were not informed about the proceedings and they have not received any notice from Family Court, Coimbatore about the above proceedings.

6. Technically, the petitioner either must file a Review Petition or petition for modification of the order passed by this Court dated 11.09.2004 made in Tr.C.M.P.No.12870 of 2004. Now 10 years have been passed from the date of earlier order passed by this Court and I.D.O.P.No.271 of 2004 is pending from the year 2004.

7. In view of this fact, I am inclined to modify the earlier order dated 11.09.2004 passed by this Court in Tr.C.M.P.No.12870 of 2004 by transferring I.D.O.P.No.271 of 2004 from Family Court, Coimbatore to District Court, Tirunelveli.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.271 of 2004 on the file of the Principal District Judge, Family Court, Coimbatore, is hereby withdrawn and transferred to the file of the District Court, Tirunelveli forthwith and report compliance to this Court within three weeks from the date of receipt of a copy of this order. On receipt of the case bundle, the District Judge, Tirunelveli is directed to issue notice to the parties immediately and dispose of the IDOP.No.271 of 2004 on day to day basis as expeditiously as possible in any event not later than 31.10.2015. No costs.

Sd/-

Assistant Registrar(T & P)



To

1.The Principal District Judge, Family Court,
Coimbatore.

2.The District Sessions Court,
Tirunelveli.

+1cc to MR.K.Sudalaiyandi Advocate Sr.No.27251

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AA/19.06.2015/ 3p- 4c/

Tr.C.M.P. (MD) No.148 of 2015
02.06.2015