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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.07.2015
CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

TR.C.M.P.(MD) No.205 of 2015 and
M.P.(MD).No.1 of 2015

G. Karthik @ Ramarajan : Petitioner

Vs.

K. Poorana Devika : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the case in HMOP.No.241 of 2015, on the file of the Family Court, Madurai, to Subordinate Court, Virudhunagar, for joint trial along with HMOP.No.111 of 2014, pending before the Sub Court, Virudhunagar.

For Petitioner : Mr.S. Srinivasa Raghavan
For Respondent : Mr.P. Vijay Raghavan

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in HMOP.No.241 of 2015, on the file of the Family Court, Madurai, to Sub Court, Virudhunagar, for joint trial along with HMOP.No.111 of 2014, pending before the Sub Court, Virudhunagar.

2. The petitioner herein is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 12.06.2007. Due to misunderstanding, the petitioner filed HMOP.No.238 of 2013, on the file of Family Court, Madurai, for dissolution of marriage. Thereafter, the respondent filed Transfer CMP.No.397 of 2013, to transfer HMOP.No.238 of 2013, on the file of the Family Court, Madurai, to Sub-Court, Srivilliputur. This Court, by order dated 25.08.2014, ordered Transfer CMP. Accordingly, the HMOP.No.238 of 2013, pending on the file of Family Court, Madurai, is transferred to Sub-Court, Virudhunagar and re-numbered as HMOP.No.111 of 2014 and the same is pending. Thereafter. the respondent also filed MC.No.18 of 2003, on the file of learned Judicial Magistrate, Srivilliputur, claiming maintenance. While so, the respondent filed HMOP.No.241 of 2015, on the file of Family Court, Madurai, for restitution of conjugal rights.

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3. In such circumstances, the petitioner filed this petition to transfer HMOP.No.241 of 2015, on the file of Family

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Court, Madurai, to Sub-Court, Virudhunagar, to be tried along with HMOP.No.111 of 2014, on the file of Sub-Court, Virudhunagar.

4. Heard the learned counsel appearing for the parties.

5. From the records it is seen that HMOP.No.238 of 2013, re-numbered as HMOP.No.111 of 2014, filed by the petitioner for dissolution of marriage has been transferred to Sub-court, Virudhunagar and the same is pending for disposal in the said Court. Though, the respondent is now residing at Door.No.43-A, Rottadi Theru, Vathirayiruppu Village, Virudhunagar District, she has filed HMOP.No.241 of 2015, on the file of Family Court, Madurai, for restitution of conjugal rights.

6. In view of the submissions made by the learned counsel for the petitioner that the parties and subject matter of the issue is one and the same and to avoid conflicting decisions and in the interest of justice, both H.M.O.P.No.241 of 2015 and HMOP.No.111 of 2014 are to be tried together in the same Court. Therefore, I am of the view that the petition filed by the petitioner is liable to be allowed.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.241 of 2015, on the file of Family Court, Madurai, is hereby withdrawn and transferred to the file of Sub Court, Virudhunagar, to be tried along with H.M.O.P.No.111 of 2014, filed by the respondent, if the same is not yet disposed of. The learned Family Court Judge, Madurai, is directed to send the case bundles to Sub Court, Virduhunagar, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To
1.The Judge,Family Court, Madurai.
2.The Sub Judge, Virudhunagar.
Copy To:
The Section Officer,
VR Section,Madurai Bench of Madras High Court, Madurai
+1cc to MR.S.Srinivasa Raghavan, Advocate Sr.No.40283
trp
AA/10.08.2015/ 2p- 5c/

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