



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.DEVADASS

TR.CM.P.(MD) No.225 of 2015

and

M.P.(MD) No.1 of 2015

Thilagavathi

... Petitioner / Respondent

-vs-

Balakrishnan

... Respondent / Petitioner

PRAYER: Petition is filed, under Section 24 of the Code of Civil Procedure, to withdraw and transfer the petition in H.M.O.P.No.66 of 2013, on the file of the learned Subordinate Court, Kulithalai, to the file of the learned Family Court, Tiruchirappalli.

For Petitioner : Mr.N.Sivasubramani

For Respondent : Mr.G.Sridharan

O R D E R

This transfer civil miscellaneous petition arises out of a matrimonial matter.

2. Petitioner and respondent joined in wedlock. Now they are in a deadlock. Petitioner filed H.M.O.P.No.54 of 2015 in the Family Court, Tiruchirappalli, for restitution of conjugal rights, while respondent filed H.M.O.P.No.66 of 2013 for giving permanent good-bye to her.

3. When the matters stood as such, now the Subordinate Judge, Kulithalai, cut the marital bondage by granting *ex parte* decree. Because of the Court order, now the problem arises, both have become no longer husband and wife.

4. The learned counsel for the petitioner brought to our notice that an application in I.A.No.269 of 2015 filed to set aside the *ex parte* decree is pending before the Sub Court, Kulithalai.

5. In the circumstances, the learned Subordinate Judge, Kulithalai, Karur District, will dispose of I.A.No.269 of 2015 within a period of two weeks from the date of receipt of a copy of this Order.



6. Accordingly, this transfer civil miscellaneous petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The Judge, Family Court, Trichy.

2. The Subordinate Judge, Kulithalai.

+1cc to M/S. Siva Subramani, Advocate in SR.No 45384

+1CC to M/S.G.Sridharan, Advocate Sr.No.45647

TS/19.08.2015/2P - 4C KBM/SAR -II

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