



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 22.12.2015

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

Tr.C.M.P (MD) No.244 of 2015

and

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

R.Chellapandi

.. Petitioner/Petitioner

Vs.

Malarvizhi

.. Respondent/Respondent

PRAYER: This Petition is filed under Section 24 Rule(1)(2) of the Code of Civil Procedure, to withdraw the H.M.O.P.No.54 of 2015 from the file of the Family Court, Dindigul and transfer to the file of the Subordinate Judge, Melur, Madurai District to be tried along with the petition in H.M.O.P.No.484 of 2011.

For Petitioner : Mr.M.Mohammed Sherbudeen
For Respondent : No appearance

ORDER

This petition is filed under Section 24 of the Code of Civil Procedure to withdraw the matrimonial proceedings in H.M.O.P.No.54 of 2015 from the file of the Family Court, Dindigul District and transfer the same to the file of the Subordinate Court, Melur, Madurai to be tried along with the petition in H.M.O.P.No.484 of 2011.

2.The petitioner herein is the husband of the respondent. The respondent has filed a petition in H.M.O.P.No.54 of 2015 on the file of the Family Court, Dindigul, seeking restitution of conjugal rights and the petitioner herein has filed another petition in H.M.O.P.No.484 of 2011 before the Subordinate Court, Melur, Madurai District seeking dissolution of marriage.

3.This petition is filed by husband, who is the respondent in the matrimonial proceedings to withdraw the above said matrimonial proceedings from the file of the Family Court, Dindigul and transfer the same to the file of the Subordinate Court, Melur, Madurai District.



4.The petitioner says that the marriage between the respondent and himself was solemnized on 11.12.2009 and at the time of marriage, he was working as a Teacher at Valaivi Chettiapatti Government High School at Vadamadurai. In the mean time, the respondent gave birth to a female child on 19.03.2011 and due to misunderstanding between them, the petitioner had filed a petition for divorce in H.M.O.P.No.484 of 2011 before the Subordinate Court, Melur, Madurai District, in which, the respondent had entered appearance and filed her counter statement and thereafter an exparte order was passed on 29.06.2012. Subsequently, she had filed an application in I.A.No.152 of 2012 to set aside the said order and the same is pending. Under these circumstances, he has approached this Court by way of this petition seeking transfer of the above said matrimonial proceedings.

5.Heard the learned counsel appearing for the petitioner and perused the averments of the grounds of the Civil Revision Petition.

6.Though the petitioner has filed the present petition for the relief as stated above, at the time of arguments, the learned counsel for the petitioner has conceded to transfer the petition in H.M.O.P.No.54 of 2015 from the file of the Family Court, Dindigul to the file of the Family Court, Madurai along with petition in H.M.O.P.No.484 of 2011, which is now pending on the file of the Sub-Court, Melur, Madurai District.

7.Having been taken into consideration of the related facts and circumstances, this Court is of view that in the interest of Justice it may be expedient to issue a direction as suggested by the learned counsels for the parties. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of and the matrimonial proceedings in H.M.O.P.No.54 of 2015 is ordered to be withdrawn from the file of the Family Court, Dindigul District and transferred to the file of the Family Court, Madurai to be tried along with petition in H.M.O.P.No.484 of 2011, which is ordered to be withdrawn from the file of the Sub-Court, Melur and transferred to the file of the Family Court, Madurai for joint disposal along with H.M.O.P.No.54 of 2015 and the Family Court, Madurai is directed to dispose of the cases within a period of three months from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar



To

1.The Family Court,
Dindigul.

2.The Subordinate Court,
Melur,
Madurai District.

3.The Family Court,
Madurai.

+1cc to Mr.M.Mohammed Sharbudeen, Advocate Sr.No.76148

ns

AA/AAL-MPA/09.02.2016/3p-5c

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