



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2015

CORAM:

THE HON'BLE MR.JUSTICE T.MATHIVANAN

Tr.C.M.P(MD)No.261 of 2015andM.P.(MD)No.1 of 2015

WEB COPY

Ramya Durgadevi

: Petitioner/Respondent

Vs.

A.Rajasekar

: Respondent/Petitioner

Prayer: This petition is filed under section 24 of the Civil Procedure Code, to withdraw the case in HMOP No.74 of 2015 from the file of the Sub Court, Sankarankovil and transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner

: Mr.H.Arumugam

For respondent

: Mr.S.Pon Senthil Kumar

O R D E R

This petition is filed by the petitioner, who is none other than the wife of the respondent, under section 24 of the Civil Procedure Code to withdraw the matrimonial proceedings in HMOP No.74 of 2015 from the file of the learned Sub Court, Sankarankovil and transfer the same to the file of the Family Court Tirunelveli, for disposal.

2.Heard **Mr.H.Arumugam**, learned counsel appearing for the petitioner and **Mr.S.Pon Senthil Kumaran**, learned counsel appearing for the respondent.

3.It appears that the matrimonial proceedings in HMOP No.74 of 2015 was originally filed before the Sub Court, Kovilpatti in HMOP No.9 of 2013. Thereafter, in pursuance of the order of this court, dated 16.04.2015 and made in Tr.CM.P.(MD)No.171 of 2013, the above said petition was transferred to the file of the Sub Court, Sankarankovil from the file of the Sub Court, Kovilpatti and renumbered as HMOP No.74 of 2015.

4.It is also brought to the notice of this court that another matrimonial proceedings in HMOP No.163 of 2014 was filed by the husband for dissolving the marriage between him and the petitioner before the Sub Court, Kovilpatti and that petition is still pending.



5. Now, it is understood that when a memorandum was filed by the respondent before the Sub Court, Sankarankovil to withdraw the matrimonial proceedings in HMOP No. 74 of 2015, it was not accepted, because an order of stay was granted by this court, when this petition was came up for admission.

6. It is also understood that previously, the respondent had filed a petition in HMOP No.163 of 2014 on the file of the Sub Court, Kovilpatti to dissolve the marriage between him and the petitioner herein. In pursuance of the order of this court, dated 16.06.2015 and made Tr.C.M.PNo.17 of 2015, the said HMOP No.163 of 2014 was ordered to be transferred from the file of the Sub Court, Kovilpatti to the file of the Family Court, Tirunelveli. Therefore, this petition in HMOP No.74 of 2014, which is sought to be transferred need not be kept in alive on the file of the Sub Court, Sankarankovil, as the respondent herein is about to file a memorandum to withdraw that application.

7. In view of the above facts, this petition is dismissed. The respondent is directed to file a memorandum before the Sub Court, Sankarankovil on or before 20.01.2016 and on filing of such memorandum, the learned Sub Judge, Sankarankovil is directed to accept the memorandum and taken on his record and dismiss the matrimonial proceedings in HMOP No.74 of 2014 as withdrawn. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai.

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To,

1. The Subordinate Judge,
The Sub Court, Sankarankovil.
2. The Judge,
The Family Court, Tirunelveli.

+1cc to Mr.S.Pon Senthil Kumaran, Advocate Sr No.76287

TrCMP (MD) No.261 of 2015
Date :22.12.2015

rg.AAL-MPA/SAR-II 11.01.2016 2P/4C