



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2016

CORAM

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THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)Nos.168 & 169 of 2016

Soundarapandiyan .. Petitioner in both Tr.C.M.Ps.

Versus

Lakshmi Priya .. Respondent in both Tr.C.M.Ps.

PRAYER: Transfer Civil Miscellaneous Petitions filed under Section 24 of Civil Procedure Code praying to withdraw the divorce petition and the petition for restitution of conjugal rights filed by the petitioner and the respondent herein respectively in H.M.O.P.No.30 of 2012 and H.M.O.P.No.109 of 2012 from the file of the Subordinate Court, Uthamapalayam and transferring the same to the file of the Family Court, Madurai.

For Petitioner : Mr.T.R.Jeyapalam  
in both petitions  
For Respondent : Mr.N.Satheeshkumar  
in both petitions

C O M M O N O R D E R

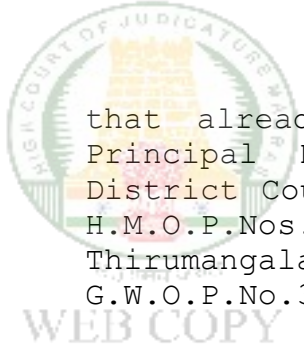
The Transfer Civil Miscellaneous Petitions were heard together and disposed of by this Common Order, as the issue involved in the Transfer Civil Miscellaneous Petitions are interlinked.

2.The petitioner filed H.M.O.P.No.30 of 2012, before the Sub Court, Uthamapalayam, for divorce. The respondent filed H.M.O.P.No.109 of 2012, before the Sub Court, Uthamapalayam, for restitution of conjugal rights. The respondent herein filed Tr.C.M.P(MD)Nos.353 and 354 of 2013 to transfer the H.M.O.P.Nos. 30 and 109 of 2012, pending on the file of the Sub Court, Uthamapalayam to the file of Sub Court,Thirumangalam. This Court, by the order, dated 14.07.2015 disposed the Tr.C.M.P(MD)Nos.353 and 354 of 2013 and C.R.P.(MD)No.2260 of 2013 and transferred both H.M.O.P.Nos.30 and 109 of 2012 before the Sub Court, Thirumangalam.

3.According to the petitioner, only camp Court is available at Thirumangalam and there is no regular Court, for hearing the matter. Therefore, he seeks transfer to Family Court, Madurai.

4.The learned counsel for the respondent has no objection for allowing the Transfer Miscellaneous Petitions and he has also made an endorsement to that effect.

5.Without deciding the matter on merits and recording the no objection of the counsel for the respondent and taking note of the fact



that already G.W.O.P.No.33 of 2013 was pending on the file of the Principal District Court, Theni has been transferred to Principal District Court, Madurai, I hold that this is a fit case for transferring H.M.O.P.Nos.30 and 109 of 2012 pending on the file of the Sub Court, Thirumangalam to Principal District Court, Madurai to be tried along with G.W.O.P.No.33 of 2013.

6.The learned counsel for the petitioner submitted that after the order passed by this Court, dated 14.07.2015, the bundles were sent from Sub Court, Uthamapalayam to Sub Court, Thirumangalam, but till date, the HMOPs, are not re-numbered and not taken on file. The learned Sub Judge, Thirumangalam is directed to send all the papers relating to H.M.O.P.Nos.30 and 109 of 2012 to the file of Principal District Judge, Madurai to be tried along with G.W.O.P.33 of 2013.

7.Accordingly, the Transfer Civil Miscellaneous Petitions are allowed. Since HMOPs are of the year 2012, the learned Principal District Judge, Madurai is directed to dispose the HMOPs and G.W.O.P., as expeditiously as possible, in any event, not later than, 30<sup>th</sup> September, 2016. The Registry is also directed to send back the papers that are pending before the Registry. No costs.

Sd/  
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

1.The Sub Judge,  
Thirumangalam.

2.The Principal District Munsif,  
Madurai.

**Copy to:** The Section Officer,  
V.R.Section,  
Madurai Bench of Madras High court, Madurai.

+1CC to M/S.T.R.Jeyapalam, Advocate, SR.No. 16076

+1CC to M/S.N. Satheesh Kumar, Advocate, SR.No. 16042

Tr.C.M.P(MD)Nos.168 and 169 of 2016  
22.03.2016

AM/JGB.DP/05.04.2016/2P/6C