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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 04.11.2016

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

Tr.C.M.P (MD) No.184 of 2016
and
C.M.P. (MD) .No.3273 of 2016

K.Deenadhayalan
S/o.Late. Krishnan,
ITI Manager,
Government Quarters,
Pettai,
Tirunelveli Town,
Tirunelveli.

... Petitioner

Vs.

Bhuvaneshwari @ Nagalakshmi

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.7 of 2010, on the file of Family Court, Madurai and has to be transferred to Subordinate Judge, Madurai Melur camp in which H.M.O.P.No.457 of 2014 is pending Sub Court Madurai Melur camp tried jointly the said cases together to seek judicial interest.

For Petitioner : Mr.S.Sureshkumar Isaak Paul
For Respondent : No appearance

ORDER

The present petition seeking transfer is filed under Section 24 of C.P.C. to withdraw the H.M.O.P.No.7 of 2010, on the file of Family Court, Madurai and has to be transferred to Subordinate Judge, Madurai Melur camp in which H.M.O.P.No.457 of 2014 is pending Sub Court Madurai Melur camp tried jointly the said cases together.

2.The marriage between the petitioner and the respondent was solemnized on 14.02.1994 and due to strained relationship between the parties, they are living separately. The petitioner/husband come out with the present petition to transfer the H.M.O.P.No.7 of 2010, on the file of the Family Court, Madurai to the Subordinate Judge Madurai, Melur camp to be tried along with H.M.O.P.No.457 of 2014, which is also pending before the Subordinate Court, Madurai Melur Camp.



3.The petitioner/husband filed H.M.O.P.No.7 of 2010 for divorce against the respondent before the Family Court, Madurai and respondent/wife filed H.M.O.P.No.457 of 2014 for restitution of conjugal rights before the Subordinate Court, Madurai Melur camp.

4.The present petition has been filed to transfer the case from Family Court, Madurai to Subordinate Judge, Madurai Melur camp and such petition for transfer under Section 24 of the Code of Civil Procedure is not maintainable before this Court in view of the principles laid down by this Court in **Reshma Begam and others v. Syed Nawab Jan and others in Tr.C.M.P (MD) No.458 of 2016 dated 03.11.2016.**

5.Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. However, the petitioner is at liberty to approach the appropriate Court for such prayer. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/

Assistant Registrar(C.O.,)

/TRUE COPY/

Sub Assistant Registrar

To

The Judge, Family Court, Madurai.

Tr.C.M.P (MD) No.184 of 2016

04.11.2016

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