



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Tr.C.M.P(MD)No.255 of 2016andCMP(MD)No.5233 of 2016

R.Murugarasu

: Petitioner/Respondent

Vs.

I.Kanmani

: Respondent/Petitioner

Prayer: This petition is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the HMOP No.33 of 2016 from the file of the learned Family Court at Sivagangai to the file of the learned Family Court at Madurai to try along with HMOP No.85 of 2014 pending trial and pass such further or other orders.

For Petitioner : Mr.R.Narayanan

For Respondent : Mr.J.Devasenar

O R D E R

This petition has been filed under Section 24 of the Civil Procedure Code to transfer petition in HMOP No.33 of 2016 from the file of the Family Court, Sivagangai to the file of the Family Court, Madurai to try along with HMOP No.85 of 2014.

2.The case of the petitioner is that the marriage between him and respondent was solemnized on 05.07.2012 at Uthammar Kovil Devasthanam, Trichy as per Hindu rite and customs and on account of matrimonial tiff, they have been living separately since 2013 and thereafter, the petitioner filed FCOP No.2638 of 2013 before the Family Court, Chennai for divorce against the respondent. The respondent filed a petition in Tr.C.M.P(MD)No.431 of 2013 to transfer the divorce petition from Chennai to Madurai and the same was allowed by this court and renumbered as HMOP No.85 of 2014 on the file of the Family Court, Madurai. In the meantime, the respondent filed a petition in HMOP No.33 of 2016 before the Family Court, Sivagangai for restitution of conjugal rights.

3.Mr.R.Narayanan, learned counsel appearing for the petitioner would submit that the petition in HMOP No.85 of 2014 is pending on the file of the Family Court, Madurai for trial and suppressing the above fact, the respondent filed HMOP No.33 of 2016 before the Family Court, Sivagangai for restitution of conjugal rights and to avoid conflicting decision, the case filed by the respondent before the Family Court, Sivagangai has to be transferred to the Family Court, Madurai to try along with HMOP No.85 of 2014.



4.Mr.J.Devasenar, learned counsel appearing for the respondent has no objection to allow the petition.

5.In view of that, this petition is allowed and the petition in HMOP No.33 of 2016 is ordered to be withdrawn from the file of the Family Court, Sivagangai and transferred to the file of the learned Family Court, Madurai to try along with HMOP No.85 of 2014. The transferor Court is ordered to transmit the entire records to the file of transferee Court within a period of two weeks from the date of receipt of a copy of this order and the transferee Court, after obtaining the records on transfer, is directed to dispose the matter as expeditiously as possible. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar.

To,

1.The Judge, Family Court,
Madurai.

2.The Judge, Family Court,
Sivagangai.

+1CC to M/S.J.Devasenar, Advocate, SR.No. 33345

TrCMP(MD)No.255 of 2016
Dated :24.06.2016

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