



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.08.2016

Coram:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Tr.C.M.P. (MD) .No.303 of 2016
and C.M.P.(MD) No. 5585 of 2016

Kavitha .. Petitioner/Respondent

Vs.

John Stephen .. Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the petition in I.D.O.P.No.5 of 2016 on the file of the Family Court, Coimbatore and transfer the same to the Family Court, Tirunelveli to be tried along with M.C.No.12 of 2016 on the file of the Family Court, Tirunelveli.

For Petitioner : Mr.C.D.Johnson
For Respondent : Mr.S.Sivaprakash

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking transfer of I.D.O.P.No.5 of 2016 from the file of the Family Court, Coimbatore, to the file of the Family Court, Tirunelveli, to be tried along with M.C.No.12 of 2016.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3.The learned counsel for the respondent would submit that the maintenance case in M.C.No. 12 of 2016, which was pending before the Family Court, Tirunelveli, was disposed of on 11.05.2016 granting maintenance in favour of the petitioner. It is further submitted that in I.D.O.P.No.5 of 2016, the petitioner remained absent and an ex-parte order was passed on 31.05.2016 and therefore, this petition has become infructuous.

4. In view of the submission of the learned counsel for the respondent, this Transfer Civil Miscellaneous Petition is dismissed as infructuous. No costs. Consequently, connected C.M.P.(MD) No.5585 of 2016 is also dismissed.

Sd/-
Assistant Registrar (AE)



1.The Family Judge, Tirunelveli.

2.The Family Judge, Coimbatore.

+1 cc to Mr.C.D.Johnson,Advocate, Sr.No: 43997

+1 cc to Mr.S.Siva Prakash ,Advocate, Sr.No: 42967

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