



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2016

Coram:

WEB COPY

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

Tr.C.M.P. (MD) .No.387 of 2016
and C.M.P. (MD) No. 7552 of 2016

S.Paulmanoraj

.. Petitioner/Respondent

Vs.

P.R.Anjelin Mercy

.. Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw I.D.O.P.No.74 of 2015 pending on the file of the Family Court, Trichy and to transfer the same to the file of Family Court, Madurai.

For Petitioner : Mr.R.G.Shankar Ganesh

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking transfer of I.D.O.P.No.74 of 2015 from the file of the Family Court, Trichy, to the file of the Family Court, Madurai.

2. The petitioner is the husband of the respondent. The marriage between the petitioner and the respondent was solemnized on 15.04.2013 at All Saints Church, Puthoor, Trichy.

3. The case of the petitioner is that due to matrimonial dispute, he filed I.D.O.P.No.45 of 2013 against the respondent for restitution of conjugal rights and that was withdrawn on 19.09.2014. Thereafter, he filed I.D.O.P.No.64 of 2014 before the Family Court, Madurai for dissolution of the marriage.

4. The learned counsel for the petitioner would submit that the respondent filed Tr.C.M.P.No.79 of 2015 seeking transfer of I.D.O.P.No.64 of 2014 to Family Court, Trichy. The said application was allowed on 17.06.2015. Pursuant to the order of this Court, I.D.O.P.NO. 64 of 2014 was transferred from the file of the Family Court, Madurai to the Family Court, Trichy and renumbered as I.D.O.P.No. 42 of 2015. While so, the respondent has filed I.D.O.P.No.74 of 2015 for divorce against the petitioner.



5. It is further submitted that the petitioner is working in a private company and both I.D.O.P.s have been filed for divorce and they were posted on different dates. So, he was not able to appear before the Family Court, Trichy.

6. Heard the learned counsel for the petitioner and perused the materials available on record.

7. This Court is of the opinion that the petitioner has not made out the case to transfer the case. Hence, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected C.M.P.(MD) No.7552 of 2016 is also dismissed.

8. The learned Judge, Family Court, Trichy is directed to dispose of I.D.O.P.Nos. 42 of 2015 and 74 of 2015 together by a joint trial as expeditiously as possible.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

The Judge,
Family Court, Trichy.

+ 1 CC TO MR.R.G.SHANKAR GANESH, ADVOCATE IN SR No. 42877

CM

TE/DB : 14/09/2016 : 2P/3C

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