



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.172 of 2017

and

C.M.P(MD)Nos.3834, 4221 and 4861 of 2017

M.Thanga Banumathy

... Petitioner

Vs.

R.Muthukumar

... Respondent

Prayer: Petition filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.3276 of 2013 on the file of the Principal Family Court, Chennai and transfer the same to the file of the III Additional Sub Court, Madurai.

For Petitioner : Mr.K.Rajeshwaran

For Respondent : Mr.G.Prabhu Rajadurai

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O R D E R

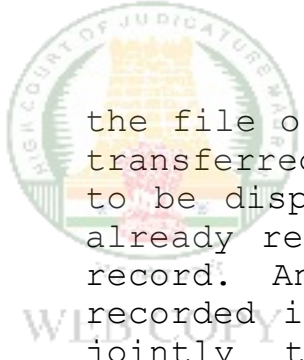
The wife, who is the respondent in H.M.O.P.No.22 of 2012 filed by the respondent/husband seeking divorce before the III Additional Sub Court, Madurai, has also filed H.M.O.P.No.3276 of 2013 on the file of the Principal Family Court, Chennai, seeking restitution of conjugal rights. The present petition for transfer is filed by the petitioner/wife seeking transfer of the proceedings instituted by her at Chennai in H.M.O.P.No.3276 of 2013 to the file of the III Additional Sub Court, Madurai, to be heard along with H.M.O.P.No.22 of 2012.

2. The learned Counsel for the respondent/husband would contend that this petition is motivated and has been filed only to drag on the proceedings in H.M.O.P.No.22 of 2012, in which, trial is almost over. Whereas in the proceedings at Chennai, namely, H.M.O.P.No.3276 of 2013, the trial is yet to commence.

3. It cannot be disputed that there is a possibility of conflicting judgments being delivered if the proceedings are allowed to go on at different places.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Hence, considering the fact that the petitioner/wife is now residing at Madurai, the proceedings in H.M.O.P.No.3276 of 2013 on



the file of the Principal Family Court, Chennai, are withdrawn and transferred to the file of the III Additional Sub Court, Madurai, to be disposed of along with H.M.O.P.No.22 of 2012. The evidence already recorded in H.M.O.P.No.22 of 2012 will continue to be on record. Any further evidence that is to be recorded will be recorded in H.M.O.P.No.22 of 2012 and both the petitions will be jointly tried and disposed of. Considering the fact that H.M.O.P.No.22 of 2012 is nearly 5 years old, the trial Court, namely, III Additional Sub Court, Madurai, is directed to dispose of both the petitions as expeditiously as possible, preferably on or before 31.08.2017. The Principal Family Court, Chennai, is directed to despatch the records in H.M.O.P.No.3276 of 2013 forthwith to the file of the III Additional Sub court, Madurai. The parties will not be entitled to any notice from the transferee Court since the other proceedings in H.M.O.P.No.22 of 2012 is pending trial.

6. In the result, this Transfer Civil Miscellaneous Petition is ordered as above. No costs. Consequently, the connected civil miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Judge, The Principal Family Court, Chennai.
- 2.The Judge, The III Additional Sub Court, Madurai.

+1CC to M/S.K.Rajeshwaran, Advocate, SR.No. 59984

+1CC to M/S.G.Prabhu Rajadurai, Advocate, SR.No. 59836

Tr.C.M.P(MD)No.172 of 2017

and

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