

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 23.08.2017

CORAM

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**THE HONOURABLE MRS.JUSTICE J.NISHA BANU****TR.C.M.P (MD) No.356 of 2017**

R.K.Jayaraman

... Petitioner / Petitioner-Husband

Vs.

Thilaga Priya

... Respondent / Respondent-Wife

**PRAYER:-** Transfer Civil Miscellaneous Petition filed under Section 24 r/w 151 of Code of Civil Procedure, to withdraw the case in H.M.O.P No.21 of 2013 on the file of the Subordinate Judge, Ponneri and transfer the same to the Family Court, Trichy to try along with the case in M.C.No.179 of 2014.

For Petitioner : Mr.D.Rameshkumar

**ORDER**

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.21 of 2013, from the file of Subordinate Court, Ponneri to the Family Court, Trichy.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 22.05.2005 and they blessed with one female and one male child. Due to some misunderstanding, the petitioner filed a petition in H.M.O.P.No.21 of 2013 seeking divorce. The respondent has also filed a maintenance petition in M.C.No.179 of 2014 and it is pending before the Family Court, Trichy.

3. The learned Counsel for the petitioner would further submit that the parties have already entered into compromise, by which, part of the amount has already been settled to the respondent. Hence, the learned Counsel prays for transfer of H.M.O.P. filed by the petitioner to the file of the Family Court, Trichy, so that the parties could completely effect the settlement.

4. Thought notice sent to the respondent, the respondent did not appear either through Counsel or in person.

5. Heard the learned Counsel for the petitioner and perused the materials available on record.



6. I am satisfied with the reasons stated in the affidavit filed in support of this petition. Since the petitioner has sought for transfer of the case to the place where the respondent is residing, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned Subordinate Judge, Ponneri is directed to transmit the entire records in H.M.O.P.No.21 of 2013 to the file of the Family Court, Trichy within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Judge, Family Court, Trichy, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.21 of 2013 as expeditiously as possible in accordance with law.

No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge,  
Subordinate Court,  
Ponneri.
2. The Family Court Judge,  
Family Court,  
Trichy.

+1cc to M/S. D.RAMESHKUMAR, Advocate, SR.No.74313.

TR.C.M.P (MD) No.356 of 2017  
23.08.2017

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SDS/SKN:RSK/SAR 3/31.08.2017/2P/4C