



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.02.2017
CORAM

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
TR.C.M.P.(MD) Nos.422 and 423 OF 2016 &
C.M.P.(MD).Nos.8337 and 8339 of 2016

Tr.C.M.P.(MD).No.422 of 2016

Muthukrishnan : Petitioner

Vs.

1.S.S.Kandasamy
2.Subha
3.Balasubramanian
4.The Pentecoastal Mission through its Center Pastor
Thiru.P.V.Mathews, (died)
Now the present Pastor Thiru Kanagaraj,
All are residing at D.No.1E/1A, Briyant Nagar 3rd Street West,
Tuticorin, Tuticorin District,
Now residing at 30A/3, Briyant Nagar 4th Street, East,
Tuticorin-8.
: Respondents

Prayer: Transfer civil revision petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the suit in O.S.No.353 of 2015 on the file of Subordinate Court, Tuticorin to appropriate Court, Tirunelveli, pending disposal of the Transfer Civil Miscellaneous Petition.

For Petitioner : Mr.G.Thalamutharasu for
Mr.M.Mohanasundaram
For Respondent 1 : Mr.R.J.Karthick for R1
R2 to R4 : Dispense with vide Court order
dated 13/02/2017

Tr.C.M.P.(MD).No.423 of 2016

Muthukrishnan : Petitioner

Vs.

1.K.Muthuselvi
2.S.S.Kandasamy
3.Usha Malliga
4.Subha
: Respondents

Prayer: Transfer civil revision petition is filed under Section 24 of Civil Procedure Code to transfer the suit in O.S.No.43/2015 on the file of II Additional District Court, Tuticorin to appropriate Court, Tirunelveli pending dispose of the Transfer Civil Miscellaneous Petition.



For Petitioner	: Mr.G.Thalamutharasu for
	Mr.M.Mohanasundaram
For Respondents	: Mr.R.J.Karthick for R1
R2 to R4	: Dispense with vide court order
	dated 13/02/2017

WEB COPY

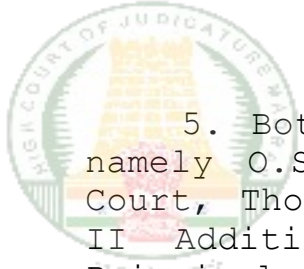
COMMON ORDER

The petitioner is the husband and one Muthuselvi is the wife of the petitioner/the first respondent in Tr.C.MP.(MD).No.423 of 2016. The petitioner/husband preferred HMOP No.75 of 2012 before the Sub Court, Thoothukudi, for divorce. The petitioner/husband also filed GWOP No.67 of 2012 before the Principal District Court, Thoothukudi. All the proceedings were sought to be transferred by the petitioner to the file of Family Court, Chennai. Hence, the petitioner/husband filed Tr.C.M.P.(MD).Nos.294 and 298 of 2013 before this Court. Similarly, the wife of the petitioner/ the first respondent in Tr.C.MP.(MD).No.423 of 2016 filed Tr.C.M.P.(MD).No.295 of 2013, to transfer the above-said GWOP No.67 of 2012 pending on the file of Principal District Court, Thoothukudi, to the file of any other nearby competent Court.

2. When the matter was taken up for hearing on 18.11.2013 before this Court, both the parties agreed to transfer the aforesaid proceedings to the Principal District Court, Tirunelveli and the above-said proceedings were pending except GWOP No.67 of 2012, which was re-numbered as GWOP NO.3/2014, on the file of Principle District Court, Tirunelveli. Meanwhile the petitioner also filed O.S.No.353 of 2015 before the Subordinate Court, Thoothukudi, against the respondents herein in Tr.C.M.P.(MD).No.422 of 2016 for declaration, recovery of possession and other reliefs and O.S.No.43 of 2015 before the II Additional District Court, Tuticorin, for the relief of declaration, recovery of possession and other reliefs against the respondents herein in Tr.C.M.P.(MD).No.423 of 2016. Now, the petitioner has filed these transfer petitions to transfer above suits to any other appropriate Court.

3. Heard Mr.G.Thalaimutharasu, learned counsel for the petitioner and Mr.R.J.Karthick, learned counsel for the first respondent.

4. Respondents 2 to 4 were already set exparte before the Trial Court and therefore notice was dispensed with as per the endorsement made by the learned counsel for the petitioner. Even otherwise, as per the Full Bench Decision of the Madhya Pradesh High Court, in Jamuna Bai & Ors. V. Choote Singh & Ors reported in 190(FB), notice is dispensed with for the respondents 2 to 4, who were set exparte before the Trial Court.



5. Both the parties agreed to transfer the above said suits namely O.S.No.353 of 2015, pending on the file of Subordinate Court, Thoothukudi, and O.S.No.43 of 2015 pending on the file of II Additional District Court, Thoothukudi, to the file of Principal District Court, Tirunelveli. Accordingly, the transfer civil miscellaneous petitions are allowed with the following directions:-

- i) The learned Subordinate Court, Thoothukudi, is directed to transmit the entire records in O.S.No.353 of 2015 to the file of Principal District Court, Tirunelveli and the learned II Additional District Court, Thoothukudi, is also directed to transmit the entire records in O.S.No.43 of 2015 to the file of Principal District Court, Tirunelveli.
- ii) the learned Principal District Court, Tirunelveli, after obtaining the records on transfer, is directed to dispose of both the matters within a period of 6 months from the date of receipt of obtaining the records, on merits and in accordance with law.

Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Subordinate Court, Thoothukudi.
- 2.The II Additional District Court, Thoothukudi.
- 3.The Principal District Court, Tirunelveli.

+1cc to Mr.M.Mohana Sundaram Advocate Sr.No.8124

+1cc to Mr.R.J.Karthick, Advocate Sr.No.7990

jikr

MS-JM-SAR 3/20.2.2017/3p-6c

Order made in
TR.C.M.P. (MD) Nos.422 and 423 OF 2016 &
C.M.P. (MD) .Nos.8337 and 8339 of 2016

Dated:
13.02.2017