



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.04.2017

CORAM

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR.C.M.P(MD)Nos.541 and 586 of 2016

and

C.M.P(MD)Nos.11447 and 12402 of 2016

Tr.C.M.P. (MD) .No.541 of 2016 and C.M.P. (MD) .No.11447 of 2016

G.Muthuranjitham

.. Petitioner

vs.

R.Devaraj Pandiyan

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.41 of 2016 from the file of the Sub-Court, Kovilpatti and transfer the same to the file of the Family Court, Madurai.

For Petitioner

: Mr.V.Alagesh Kumar

For Respondent

: Mr.V.Angusamy

Tr.C.M.P. (MD) .No.586 of 2016 and C.M.P. (MD) .No.12402 of 2016

R.Devarajapandiyan

.. Petitioner

vs.

S.Muthuranjitham

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw M.C.No.120 of 2016 pending on the file of the Family Court, Madurai and transfer the same to Sub-Court, Kovilpatti, Thoothukudi District.

For Petitioner

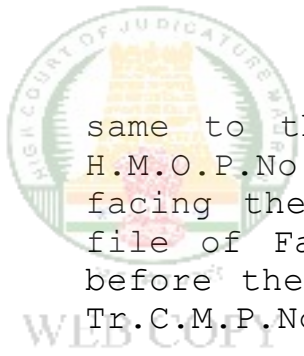
: Mr.V.Angusamy

For Respondent

: Mr.V.Alageshkumar

ORDER

This application is filed seeking to withdraw H.M.O.P.No.41 of 2016 from the file of the Sub-Court, Kovilpatti and transfer the same to the file of the Family Court, Madurai.



same to the Family Court, Madurai. The husband, who has filed H.M.O.P.No.41 of 2016 on the file of the Sub-Court, Kovilpatti, facing the maintenance proceedings in M.C.No.120 of 2016 on the file of Family Court, Madurai seeks transfer of the proceedings before the Family Court, Madurai to the Sub-Court, Kovilpatti in Tr.C.M.P.No.586 of 2016.

3.Admittedly, the wife is a resident of Madurai. The husband would contend that he underwent Coronary Artery By-pass Surgery in the year 2015 and he could not travel for a long distance. The husband is working as a Professor in Government Girls Polytechnic College and it is not in dispute that he has to travel between Madurai and Kovilpatti, which is nearly about 90 Kms. Madurai and Kovilpatti are connected by National Highways. Therefore, I do not think that the distance between Madurai and Kovilpatti and the time taken for travel should matter much.

4.Considering the fact that the wife is living at Madurai and proceedings are pending before the Family Court, Madurai, for maintenance, it will be in the interest of justice that H.M.O.P.No.41 of 2016 pending on the file of the Sub-Court, Kovilpatti is heard along with M.C.No.120 of 2016 on the file of the Family Court, Madurai. Hence, Tr.C.M.P.No.541 of 2016 is ordered. Consequently, Tr.C.M.P.No.586 of 2016 is dismissed.

5.H.M.O.P.No.41 of 2016 is withdrawn from the file of the Subordinate Court, Kovilpatti and transferred to the file of the Family Court, Madurai to be heard along with M.C.No.120 of 2016. The learned Subordinate Judge, Kovilpatti is directed to despatch the records in H.M.O.P.No.41 of 2016 within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the Family Court, Madurai shall make endeavour to dispose of both the cases, as expeditiously as possible. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Sub-Court, Kovilpatti, Thoothukudi.

2.The Family Court, Madurai.

+1 cc to Mr.V.Angusamy, Advocate, SR.No.51673

+2 cc to Mr.V.Alageshkumar, Advocate, SR.Nos.51582 & 51581

TR.C.M.P(MD)Nos.541 and 586 of 2016 and

C.M.P(MD)Nos.11447 and 12402 of 2016

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