



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBRAMANIAN

TR.CMP(MD)No.554 of 2016
& C.M.P(MD)No.11726 of 2016

WEB COPY

Santhanamari @ Sumathi ... Petitioner
Vs.
Duraipandian ... Respondent

Prayer: Petition filed under Section 24 of Code of Civil Procedure to withdrawal transfer H.M.O.P.No.129 of 2016 from the file of Family Court, Dindigul to the file of Family Court, Tuticorin.

For Petitioner : Mr.M.Subash Babu
For Respondent : No appearance

JUDGMENT

The wife has come before this Court seeking transfer of H.M.O.P.No.129 of 2016 from the file of Family Court, Dindigul to the file of Family Court, Tuticorin.

2. Heard the learned counsel for the petitioner and perused the materials placed on record. Though the respondent was served privately on 10.12.2016, he has not appeared either in person or through counsel.

3.H.M.O.P.No.129 of 2016 has been filed by the husband seeking divorce on the ground of cruelty in the Family Court, Dindigul. It is seen from the records that the husband earlier filed H.M.O.P.No.58 of 2014 on the same ground before the Sub Court, Dindigul and the same was transferred to the Family Court, Dindigul on formation of the Family Court at Dindigul. The wife moved this Court seeking transfer of H.M.O.P.No.58 of 2014 from the file of the Family Court, Dindigul to the file of the Family Court, Tuticorin. The said application was ordered by this Court on 16.06.2015 and the proceedings in H.M.O.P.No.58 of 2014 had been transferred to the Family Court, Tuticorin. It is claimed by the wife that the parties joined together. Thereafter, the husband has again come forward with the second petition, which has been numbered as H.M.O.P.No.129 of 2016 on the file of the Family Court, Dindigul. The wife now seeks transfer of H.M.O.P.No.129 of 2016 to the Family Court, Tuticorin.

4. Considering the reasons assigned in the affidavit as well as the fact that the earlier proceedings have been transferred by this Court, H.M.O.P.No.129 of 2016 is to be withdrawn from the file of the Family Court, Dindigul transferred to the file of the Family Court, Tuticorin.

5. In the interest of justice, this petition is allowed with



the following directions:

i) The learned Judge, Family Court, Dindigul, is directed to transmit the entire records in H.M.O.P. No. 129 of 2016 to the file of the Family Court, Tuticorin, within a period of two weeks from the date of receipt of copy of this order

ii) the learned Judge, Family Court, Tuticorin, after obtaining the records on transfer, is directed to dispose of the matter as expeditiously as possible in accordance with law preferably within a period of six months.

No costs. Consequently, connected C.M.P.(MD) No.11726 of 2016 is closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

- 1.The Judge,Family Court, Dindigul.
- 2.The Judge,Family Court, Tuticorin.

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