



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.04.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Tr.C.M.P. (MD).No. 174 of 2018
and C.M.P. (MD) No. 4125 of 2018

K. Pragatheeswari

.. Petitioner/Respondent

Vs.

Muthumariappan

.. Respondent/Petitioner

PRAYER : Civil Revision Petition filed under Section 24(b)(ii) of Code of Civil Procedure, to withdraw the H.M.O.P.No.153 of 2017 which is pending on the file of the learned Subordinate Judge, Tiruchenthoor and to transfer the same to the file of the competent Court at Nagercoil.

For Petitioner : Mrs.L. Victoria Gowri

O R D E R

The petitioner has come forward with this Civil Revision Petition to withdraw the H.M.O.P. No.153 of 2017 which is pending on the file of the learned Subordinate Judge, Tiruchenthoor and to transfer the same to the file of the competent Court at Nagercoil.

2. The petitioner is the respondent and the respondent is the petitioner in H.M.O.P. No.364 of 2015. The respondent/petitioner has filed H.M.O.P. No.364 of 2015 before the learned Subordinate Judge, Thoothukudi seeking divorce and for other reliefs. In H.M.O.P. No.364 of 2015, the petitioner was set ex-parte on 07.08.2017 and after recording the ex-parte evidence of the respondent on 24.08.2017, the case was posted for ex-parte judgement on 08.09.2017. On 11.09.2017, the petitioner has filed I.A.No.85 of 2017 to set aside the exparte order, along with counter in H.M.O.P. No.153 of 2017, which is still pending. Now, the petitioner has filed this Tr.C.M.P.(MD) No.174 of 2018 sought for the relief for transferring H.M.O.P. No. 364 of 2015.

3. Heard the learned counsel for the revision petitioner and perused the documents available on record.

4. Since the I.A.No.85 of 2017 in H.M.O.P. No.364 of 2015 is pending on the file of the learned Subordinate Judge, Thoothukudi, this Court cannot transfer H.M.O.P. No.364 of 2015. Hence, this Tr.C.M.P.(MD). No.174 of 2018 is dismissed. The



petitioner is at liberty to file an application before this Court for transferring H.M.O.P. No.364 of 2015 after disposal of I.A.No. 85 of 2017.

5. With above observation, this Tr.C.M.P.(MD) No.174 of 2018 is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

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To

1 The Subordinate Judge,
Thoothukudi.

2 The Subordinate Judge,
Tiruchenthoor

Tr.C.M.P. MD).No. 174 of 2018
and C.M.P. (MD) No. 4125 of 2018
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SMA/SV-MMS/SAR-2/31.05.2018:2P/3C