



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.08.2018
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Tr.C.M.P. (MD) No.198 of 2018
and
C.M.P. (MD) .No.4784 of 2018

M.Pandeeswari .. Petitioner/Respondent-wife

vs.

N.Marimuthu .. Respondent / Petitioner/Husband

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 r/w order 52 of the Civil Procedure Code, to withdraw the case in H.M.O.P.No.49 of 2018 on the file of the Subordinate Court, Virudhunagar and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.K.Prem Anand
For Respondent : Mrs.S.Mahalakshmi

ORDER

The petitioner herein got married to the respondent on 29.08.2010. The relationship between the parties appears to have come under strain. Therefore, the respondent had filed H.M.O.P.No.49 of 2018 before the Sub Court, Virudhunagar seeking divorce. The petitioner wants the said HMOP to be transferred to the Family Court, Madurai. Since the petitioner is placed in Madurai, it would be difficult for the petitioner to go to Virudhunagar and contest the said proceedings.

2. Considering the said submission, H.M.O.P.No.49 of 2018 on the file of the Sub Court, Virudhunagar is hereby withdrawn and transferred to the Family Court, Madurai. The Sub Court, Virudhunagar is directed to transfer the entire case bundle to the transferee Court immediately.

3. The learned counsel for the respondent submitted that in the Sub Court, Virudhunagar, the parties need not appear in person. But their appearance before the Family Court is mandatory. To address the said concern, this Court permits the respondent to appear before the Family Court, Madurai through counsel. However, the respondent needs to appear before the Family Court, Madurai at the time of counselling and at the time of examination. On all other occasions, he can be represented through counsel.



4. Taking note of the fact that the marriage had taken place in the year 2010 and the prior round of litigation between the parties, the Family Court, Madurai is directed to expeditiously dispose of the said proceedings.

5. With these directions, this Petition is allowed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Judge, Family Court, Madurai.

2.The Sub Judge, Virudhunagar.

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PJL
ES/SKN/RSK/SAR 2/08.10.2018/2P/3C