



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2018

CORAM:

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THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P. (MD) No.247 of 2017
and
C.M.P.(MD)No.5882 of 2017

K.Selvakani ... Petitioner/Respondent

-vs-

M.Kannan ... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to transfer the case in H.M.O.P.No.40 of 2017 pending on the file of the petition from the learned Family Court, Sivagangai to the file of the learned Family Court, Madurai.

For Petitioner : Mr.C.M.Arumugam

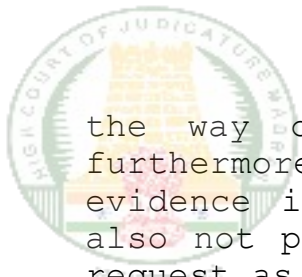
For Respondent : Mr.V.Janakiramulu

O R D E R

The petitioner is the wife. The respondent is the husband. It is noted that the respondent has laid the divorce case in H.M.O.P.No.85 of 2014 against the petitioner and the same was initially pending before the Subordinate Court, Sivagangai and thereafter, the same was transferred to the Family Court, Sivagangai and the same was renumbered as H.M.O.P.No.40 of 2017. It is further noted that seeking restitution of conjugal rights, the petitioner has laid H.M.O.P.No.363 of 2015 and the same is pending on the file of the Family Court, Madurai. Experiencing difficulty and hardship in attending the proceeding at Sivagangai Court, the petitioner has come forward with the transfer request of the husband's proceeding from Sivagangai Court to Madurai Court for disposal.

2. In this matter, the husband has entered appearance and the Counsel for the respondent/husband, during the course of arguments, has submitted that there is no serious objection for acceding to the transfer request as prayed for by the petitioner and also made an endorsement to that effect.

3. Considering the two proceedings had been laid between the parties concerning the marital issues, in my considered opinion, the consolidation of two proceedings and the determination of the same by one and the same Court would be beneficial to both parties and



the way of same, conflict of decisions could be avoided and furthermore, the parties would also be required to adduce common evidence in both matters. In addition to that the respondent has also not put forth any serious objection to accede to the transfer request as prayed for.

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4. In view of the foregoing reasons, H.M.O.P.NO.40 of 2017 is withdrawn from the file of the Family Court, Sivagangai and transferred to the file of the Family Court, Madurai for joint trial along with H.M.O.P.No.363 of 2015 as per law. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1. The Judge, Family Court, Sivagangai.
2. The Judge, Family Court, Madurai.

+ 1 CC TO Mr.C.M.ARUMUGAM, ADVOCATE IN SR No. 97134

SSL

TE/PM/SAR-3 : 12/12/2018 : 2P/4C

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