



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Tr.C.M.P. (MD)No.293 of 2017

and

Cr1.O.P. (MD) .No.10017 of 2017

and

C.M.P. (MD) .Nos.6424 of 2017 and 6847 of 2017

In Tr.C.M.P. (MD)No.293 of 2017:

P.Piraveen	.. Petitioner / 2 nd Respondent
	vs.
S.Suvarna	.. Respondent / Petitioner

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in H.M.O.P.No.172 of 2017 on the file of the Family Court, Tirunelveli and transfer the same to the Subordinate Court, Virudhunagar.

For Petitioner : Mr.C.Masilamani
For Respondent : Mr.B.Jameel Arasu

In Cr1.O.P. (MD)No.10017 of 2017:

P.Piraveen	.. Petitioner / Respondent
	vs.
S.Suvarna	.. Respondent / Petitioner

PRAYER : Criminal Original Petition filed under Section 407 of the Criminal Procedure Code, to withdraw the case in M.C.No.44 of 2017 filed under Section 125(1) of Cr.P.C., on the file of the Family Court, Tirunelveli and transfer the same to the Subordinate Court, Virudhunagar.

For Petitioner : Mr.C.Masilamani
For Respondent : Mr.B.Jameel Arasu

COMMON ORDER

The Respondent in Tr.C.M.P. (MD)No.293 of 2017 is one Suvarna. She got married to the petitioner-Piraveen on 25.10.2015 at Virudhunagar. The said Suvarna filed H.M.O.P.No.172 of 2017 before the Family Court, Tirunelveli, seeking divorce. She also filed a petition under Section 125(1) Cr.P.C. in M.C.No.44 of 2017 in the



same Court. To transfer the both cases to the Sub Court, Virudhunagar, the petitioner-husband has filed the present petitions.

2. The petitioner is now not having any permanent job whereas the respondent is working at Chennai. The learned counsel for the petitioner rightly pointed out that the marriage took place at Virudhunagar and the parties have their marital home at Chennai. At the time of filing HMOP, the respondent was at Tirunelveli. Now, the respondent is working at Chennai. Therefore, the Family Court, Tirunelveli has no territorial jurisdiction to entertain the HMOP. That apart, the petitioner is said to have suffered a severe spinal injury and that he cannot undertake long travel. The petitioner made up his mind to go for mutual consent divorce.

3. Recording the above said submission, H.M.O.P.No.172 of 2017, on the file of the Family Court, Tirunelveli, is withdrawn and transferred to the Family Court, Madurai. Likewise M.C.No.44 of 2017 is transferred from the Family Court, Tirunelveli to the Family Court, Madurai.

4. Both the Transfer Civil Miscellaneous Petition and the Criminal Original Petition are disposed of on the above terms. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar(CS-IV)

PJL

To

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

+1cc to Mr.C.Masilamani, Advocate in SR No.79451

+1cc to Mr.B.Jameel Arasu, Advocate in SR No.79307

**Tr.C.M.P. (MD) No.293 of 2017
and
Cr1.O.P. (MD) .No.10017 of 2017**



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