



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

TR CMP(MD)No.289 of 2018
and
CMP(MD)No.7169 of 2018

Alagammal @ Amutha

... Petitioner

Vs.

Ravikumar @ Jairavikumar

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw HMOP No.23 of 2018 on the file of the Sub Court, Tiruchendur and transfer the same to the file of the Family Court, Tirunelveli to be tried along with MC No.19 of 2018.

For Petitioner	: Mr.R.J.Karthick
For Respondent	: Mr.D.Ganeshamoorthi

ORDER

The petitioner got married to the respondent on 12.09.2012 as per Hindu rites and customs. The marital relationship between the parties appears to have come under strain. Two children were born through the said wedlock. The children are with the mother, namely, the petitioner herein. The respondent/husband filed HMOP No.23 of 2018 seeking divorce before the Sub court, Tiruchendur. Since the petitioner is based in Tirunelveli and she has to take care of her children, it will be difficult for her to go over to Tiruchendur and contest the proceedings there.

2.Hence, in the interest of justice, this Court withdraws HMOP No.23 of 2018 from the file of the learned Sub Judge, Tiruchendur and transfers the same to the file of the learned Family Court, Tirunelveli. It is seen that the petitioner has filed MC No.19 of 2018 which is also pending before the Family Court, Tirunelveli. Therefore, in the very nature of things, both the petitions will have to be tried together.

3.The respondent need not appear in person before the Family Court, Tirunelveli. He can be represented through counsel on all hearing dates. He needs to appear only on counselling dates and



on those days when for his examination as witness, his presence is necessary and imperative.

4.This Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The Subordinate Judge, Tiruchendur.

2.The Judge, Family Court, Tirunelveli.

+ 1 CC TO Mr.A.D.GANESHA MOORTHY, ADVOCATE IN SR No. 92989

+ 1 CC TO Mr.R.J.KARTHICK, ADVOCATE IN SR No. 93023

SKM

TE/SV/SAR-4 : 03/12/2018 : 2P/5C

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