



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

TR CMP(MD)No.312 of 2018
and
CMP(MD)No.7713 of 2018

Umamaheswari

... Petitioner

Vs.

M.Soundarraaj

... Respondent

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 Rule (1) (2) of Civil Procedure Code, to transfer the HMOP No.22 of 2016 on the file of the Sub Court at Vedachandur to the Family Court at Madurai and to try along with MC No.111 of 2015.

For Petitioner: Mr.A.Haja Mohideen
For Respondent: No appearance

ORDER

The petitioner herein got married to the respondent on 09.06.2004 at Madurai. A male child was also born to the petitioner through the said wedlock. The marital relationship between the petitioner and the respondent appears to have come under strain. The petitioner has filed MC No.111 of 2015 before the Family Court, Madurai. It is still pending. In the meanwhile, the respondent has filed HMOP No.22 of 2016 before the Sub Court at Vedachandur.

2.The learned counsel for the petitioner submits that chief examination of the respondent alone is concluded and that it is posted for cross examination. Since proceedings have been instituted by the respondent and also by the petitioner, it is just and necessary that they are taken up together.

3.Taking into account the fact that the petitioner is a lady and she is having a young boy to support, this Court withdraws HMOP No.22 of 2016 from the file of the Sub Court, Vedasanthur and transfers the same to the file of the Family Court, Madurai to be tried along with MC No.111 of 2015. The Family Court, Madurai shall proceed with the matter from the stage where it was transferred. In other words, there is no need for the respondent



to be once again chief examined. The case can be continued from the stage of cross examination.

4.This transfer civil miscellaneous petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (WRIT)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Sub Judge, Vedachandur.

2.The Family Court Judge, Madurai.

+ 1 CC TO MR.A.HAJA MOHIDEEN, ADVOCATE IN SR NO.84293

SKM

BU/SKN/SAR-I :22.10.2018 : 2P/4C

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