



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Tr.C.M.P.(MD)No.343 of 2018

and

C.M.P.(MD)No.8425 of 2018

B.Saburnisha

...Petitioner

/Vs./

A.Akbar Ali

...Respondent

Prayer: Petition - filed under Section 24 of the Civil Procedure Code, to withdraw O.S.No.34 of 2018 on the file of the District Munsif Court, Ilayankudi, and to transfer the same to the file of the Family Court, Sivagangai so as to try along with O.S.No.2 of 2018 on the file of the Family Court, Sivagangai.

For Petitioner: Mr.C.Jeyaprakash

For Respondent: Tapal returned as "left India"

ORDER

The petitioner got married to the respondent on 11.05.2016. The respondent filed O.S.No.34 of 2018 before the District Munsif Court, Ilayankudi for dissolving the said marriage. The petitioner has filed O.S.No.2 of 2018 before the Family Court, Sivagangai, seeking restitution. Therefore, in the very nature of things, both the cases will have to be tried together. Since the petitioner is based in Sivagangai, this Court is of the view that the suit filed by the respondent / husband can be withdrawn and transferred.

2. In this view of the matter, this Court withdraws O.S.No.34 of 2018 from the file of the District Munsif Court, Ilayankudi and transfer the same to the Family Court, Sivagangai, for joint trial with O.S.No.2 of 2018.

3. However, the respondent need not appear in person. He needs to appear before the Family Court, Sivagangai, on all those dates when his presence is essential. On all other dates, he can



be represented through his counsel. Accordingly, this transfer civil miscellaneous Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1.The District Munsif, Ilayankudi.

2.The Judge Family Judge, Sivagangai.

SM

BU/SKN/SAR-III :09.11.2018 : 2P/3C

Order made in
Tr.C.M.P. (MD) No.343 of 2018
27.09.2018