



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2019

CORAM

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P(MD).No.104 of 2019
and
C.M.P(MD)No.2326 of 2019

AR.Ramanathan

... Petitioner/Petitioner

Vs.

RM.Valliammai

... Respondent/Respondent

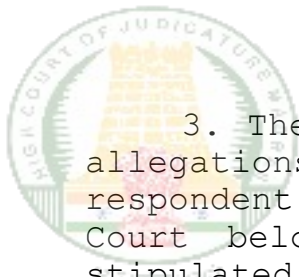
PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the H.M.O.P.No.267 of 2018 on the file of the Family Court, Madurai and transfer the same to the file of the Sub-Court, Devakottai.

For petitioner :Mr.M.Balakrishnan
For respondent :Mr.Senthilkumar

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / husband seeking transfer of H.M.O.P.No.267 of 2018 from the file of the Family Court, Madurai to the file of the Sub-Court, Devakottai.

2. The learned counsel for the petitioner submitted that the marriage between the petitioner and the respondent was solemnized on 28.05.2009. After marriage, both of them lived happily for some time and they blessed with a male child and the child is now aged about 6 years. Later, there arose a dispute between them. Hence, the petitioner herein / husband filed a petition in H.M.O.P.No.267 of 2018 on the file of the Family Court, Madurai, seeking divorce on the ground of mental, physical cruelty and continuous desertion. The grievance of the petitioner is that the respondent has deserted him for the past 6 years. The respondent/wife also filed a petition in M.C.No.10 of 2018, seeking maintenance on the file of the Judicial Magistrate, Karaikudi. Due to his kidney problem, the petitioner is not able to travel from Karaikudi to Madurai to attend the Court proceedings. Thus, he prayed to allow this petition.



3. The learned counsel appearing for the respondent denied the allegations made against the respondent. He would submit that the respondent has no objection in allowing this petition, however, the Court below may be directed to dispose of the case within a stipulated time.

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4. Heard the learned counsel for both sides and perused the materials available on record.

5. Considering the reasons stated by the learned counsel for the petitioner, this Court is inclined to allow this Transfer Civil Miscellaneous Petition, without prejudice to the contention of the respondent. Accordingly, this petition is allowed with the following directions:

i) The learned Judge, Family Court, Madurai is directed to transmit the entire records in H.M.O.P.No.267 of 2018 to the file of the Sub-Court, Devakottai, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Subordinate Judge, Devakottai, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.267 of 2018 on merits and in accordance with law, as expeditiously as possible, preferably within a period of six months from the date of receipt of the records.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Madurai.

2. The Subordinate Judge,
Devakottai.

+1 CC to M/s.M.SENTHIL KUMAR, Advocate (SR-56194[F] dated 25/03/2019)

+1 CC to M/s.M.BALAKRISHNAN, Advocate (SR-56212[F] dated 25/03/2019)

VS

TE/KM : 03/04/2019 : 2P/5C