



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P(MD) .No.92 of 2019

and

C.M.P(MD)No.2099 of 2019

Raja

... Petitioner/ Petitioner

Vs.

M.Pandiselvi

... Respondent/Respondent

PRAYER:- Transfer Civil Miscellaneous Petition has been filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw H.M.O.P.No.126 of 2017 pending on the file of the Camp Court, Melur, Madurai District and transfer the same to the file of the Family Court, Madurai.

For petitioner :Mr.S.Lakshmikanth

For respondent :Mr.M.Mohamed Ajees Dheen

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / husband seeking transfer of H.M.O.P.No.126 of 2017 from the file of the III-Additional Subordinate Court / Camp Court at Melur, Madurai District to the file of the Family Court, Madurai.

2. When the matter came up for hearing today, the learned counsel appearing for the respondent / wife submitted that the petitioner himself filed H.M.O.P.No.126 of 2017 on the file of the III-Additional Subordinate Court / Camp Court, Melur, seeking divorce, but now he sought transfer of the same to the file of the Family Court, Madurai. The respondent has no objection in allowing this petition, however, this Court may direct the Court below to dispose of the maintenance petition filed by herself and her son against the petitioner in M.C.No.5 of 2018 on the file of the Family Court, Madurai, within a stipulated time, as she is penniless.

3. The learned counsel appearing for the petitioner on instructions submitted that the petitioner has no objection for the same and he is also ready to cooperate with the Court below for the early disposal of both the cases.

4. In view of the above, this Court is inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned III-Additional Subordinate Court /



Camp Court, Melur, Madurai District, is directed to transmit the entire records in H.M.O.P.No.126 of 2017 to the file of the Family Court, Madurai, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Family Court Judge, Madurai, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.126 of 2017 on merits and in accordance with law, as expeditiously as possible, preferably within a period of six months from the date of receipt of records from the Camp Court, Melur.

iii) The Family Court, Madurai is further directed to dispose of M.C.No.5 of 2018 within a period of two months from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The III Additional Subordinate Judge / Camp Court,
Melur, Madurai District.

2.The Judge,
Family Court Judge,
Madurai.

+1cc to Mr.M.Mohamed Ajees Dheen, Advocate, SR.No.59481

+1cc to Mr.B.Baskar, Advocate, SR.No.59487

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SP/02.05.2019/ 2P/5C