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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE Ms.JUSTICE P.T.ASHA

TRCMP(MD).No. 132 of 2019 and
CMP(MD).No. 2815 of 2019

Poongodi .. Petitioner

Vs.

T. Subramani ... Respondent

PRAYER: This petition is filed, under Section 24 of CPC to withdraw the petition in HMOP.No. 987 of 2018 pending on the file of Family Court, Madurai and transfer to the Family Court, Thirunelveli.

For Petitioner : Mr.S.Muthumalai raja

For Respondent : No appearance

ORDER

The Transfer CMP is filed by the petitioner / wife. Though the name of the counsel for respondent / husband is printed in the cause list, none appeared, when the mater is called and considering the short issue, this Court is proceeding to pass order in the absence of counsel for respondent.

2. From the papers, it appears that the respondent / husband had earlier filed HMOP.No. 330 of 205 on the file of the Family Court, Madurai, and after contest, the same had been dismissed, by order dated, 20.04.2010. Thereafter, the respondent / wife and her unmarried daughter have filed M.C.No. 23 of 2018 on the file of the Family Court, Madurai. As a counter blast to the said petition, it is seen that the respondent / husband has filed yet another petition in HMOP.No.987 of 2018, for divorce on the very same grounds as in the earlier HMOP, before the Family Court, Madurai. At this juncture, the petitioner / wife has come forward with the present Transfer CMP.

3. It is clear that the the respondent / husband is not maintaining the wife and the un-married daughter. That apart, though his earlier HMOP filed on the very same grounds has been dismissed, the present HMOP has been filed only with a view to harass the

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petitioner / wife. The petitioner / wife is living at permanent residence at Tirunelveli District. That apart, the maintenance case filed by her is pending on the file of Family Court, Tirunelveli in M.C.No. 23 of 2018.

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4. Considering the above and in the interest of justice the Transfer CMP is allowed and HMOP.No. 987 of 2018 pending on the file of Family Court, Madurai is ordered to be withdrawn and transferred to the file of Family Court, Tirunelveli. The learned Judge, Family Court, Madurai, is directed to transmit the entire records pertaining to the case in HMOP No.987 of 2018, to the transferee Court, as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar

To

1. The Judge, Family Court, Madurai.

2. The Judge, Family Court, Tirunelveli.

+1CC to M/s.S.MUTHUMALAI RAJA, Advocate SR-88630[F] dated 23/09/2019

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