



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.11.2019**

CORAM

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

TR.C.M.P. (MD) No.226 of 2019

and

C.M.P. (MD) No.5366 of 2019

Hemalatha ... Petitioner/Respondent

vs.

M.Karthikeyan ... Respondent/Petitioner

Prayer:- This Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in HMOP.No.21 of 2019 on the file of the Sub Court, Periyakulam, and transfer the same to the file of Family Court, Madurai.

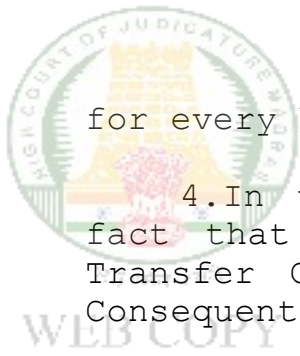
For Petitioner : Mr.R.Kannan
For Respondent : Mr.R.Shankar Ganesh

ORDER

The above Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking to transfer the petition in HMOP.No.21 of 2019 filed by the respondent/husband for divorce on the file of the Sub Court, Periyakulam to the file of Family Court, Madurai.

2.From a reading of the affidavit of the petition, it is seen that the marriage between the petitioner and the respondent was solemnized at Periyakulam and thereafter, the parties have last resided at Periyakulam within the jurisdiction of Sub Court, Periyakulam, but now the petitioner is residing at Kanchipuram.

3.In view of the above, the request of the petitioner, transferring the petition in HMOP.No.21 of 2019 to the Family Court, Madurai, cannot be granted since the Family Court, Madurai does not have any jurisdiction since the marriage between the parties had taken place at Periyakulam, the parties had last resided at Periyakulam and the petitioner is now residing at Kanchipuram. Further, the matter is now pending before the Sub Court, Periyakulam, where, the presence of the parties for every hearing is not required, whereas, if the matter is transferred to the Family Court, Madurai, the presence of the parties is required



for every hearing.

4. In view of the foregoing discussions and considering the fact that the petitioner is now residing at Kanchipuram, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar (CS)

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To

1. The Subordinate Judge,
Periyakulam.

2. The Judge,
Family Court,
Madurai.

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