



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.227 of 2019

and

C.M.P(MD) No.5414 of 2019

H.Udhaya

... Petitioner/Respondent

Vs.

S.Senthil Kumar

... Respondent / Petitioner

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to direct the Principal Subordinate Judge, Kumbakonam to withdraw H.M.O.P.No.111 of 2019 pending before the Principal Subordinate Judge, Kumbakonam and to transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.P.Thambidurai

For Respondent : Mr.R.Narayanan

ORDER

The above Transfer Civil Miscellaneous Petition has been filed for transferring the proceedings for divorce filed by the husband in H.M.O.P.No.111 of 2019 on the file of the Principal Subordinate Judge, Kumbakonam, to the file of the Family Court at Madurai.

2.The respondent's wife is residing at Madurai and she has also instituted the domestic violence petition before the Additional Mahila Court (Judicial Magistrate Level), Madurai. She has also taken out an application for maintenance, which indicates that the husband has also not given any maintenance to the wife. The husband had to appear in the Domestic Violence case and therefore, no prejudice will be caused to him by this transfer.

3.In the above circumstances, I find considerable force in the request of the petitioner. Therefore, the Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.111 of 2019 is ordered to be withdrawn and transferred from the file of the Principal Subordinate Court, Kumbakonam to the file of Family Court, Madurai. The learned Principal Subordinate Judge, Kumbakonam, is directed to transmit the entire records in H.M.O.P.No.111 of 2019 to the Family Court, Madurai and the learned Judge, Family Court, Madurai, is directed to dispose of the same on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



25.11.2019

To சென்னை உயர் நீதிமன்றம்

WEB COPY

1.The Principal Subordinate Judge, Kumbakonam

2.The Judge, Family Court, Madurai.

1 CC to M/s.R. NARAYANAN, Advocate (SR-101437[F] dated 26/11/2019)
+1 CC to M/s.T.K. GOPALAN, Advocate (SR-100886[F] dated
25/11/2019)

Tr.C.M.P. (MD) No.227 of 2019**and****C.M.P (MD) No.5414 of 2019****25.11.2019****SMA/13/12/19/2P/5C**