



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.10.2019**

CORAM :

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

TR.C.M.P. (MD) Nos.229, 230 and 231 of 2019

and

C.M.P. (MD) Nos.5476, 5478, 5479 of 2019

S.Kandesh Kumar

... Petitioner in all Tr.C.M.Ps.,

vs.

Balasankary

... Respondent in all Tr.C.M.Ps.,

COMMON PRAYER:-These Petitions are filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the GWOP.No.2 of 2018 and HMOP.Nos.34 and 263 of 2018 pending on the file of the Family Court, Madurai to the Principal District Court, Srivilliputhur.

For Petitioner

in all Tr.C.M.Ps.,

: Mr.P.Paranthaman

For Respondent

in all Tr.C.M.Ps.,

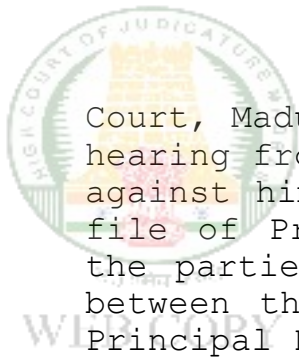
: Mr.P.Santhanakrishnan

COMMON ORDER

Since the issue raised in the above petitions are one and the same, this Court is inclined to pass the common order.

2.The above Transfer Civil Miscellaneous Petitions are filed by the petitioner/husband seeking to transfer the petition in GWOP.No.2 of 2018 filed by the petitioner to declare him as the guardian of his minor son and also to hand over his son to him; the petition in HMOP.No.34 of 2018 filed by the petitioner for divorce; and the petition in HMOP.No.263 of 2018 filed by the respondent for restitution of conjugal rights all pending on the file of the Family Court, Madurai, to the file of Principal District Court, Srivilliputhur.

3.The reason for seeking to transfer is that the petitioner is employed at Qatar and since the matter is pending before the Family



Court, Madurai, it would be very difficult for him to come for every hearing from Qatar to Madurai, which may result in an ex parte order against him. On the contrary, if the matter is transferred to the file of Principal District Court, Srivilliputhur, the presence of the parties is not required for every hearing, since the marriage between the parties was solemnized within the jurisdiction of the Principal District Court, Srivilliputhur.

4.Taking into consideration of the fact that the petitioner is working abroad and the matter is pending now before the Family Court, Madurai, where, the presence of the parties are imperative, this Court is of the view that interest of justice would be subserved, if the petitions in GWOP.No.2 of 2018 and HMOP.Nos.34 and 263 of 2018 are ordered to be withdrawn and transferred from the file of the Family Court, Madurai, to the file of Principal District Court, Srivilliputhur. The learned Judge, Family Court, Madurai, is directed to transmit the entire records of GWOP.No.2 of 2018 and HMOP.Nos.34 and 263 of 2018 to the file of Principal District Court, Srivilliputhur, as expeditiously as possible.

5.These Transfer Civil Miscellaneous Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Judge, Family Court, Madurai.

2.The Principal District Judge, Srivilliputhur.

+1 CC to M/s.P.SANTHANA KRISHNAN, Advocate (SR-92303[F] dated 17/10/2019)

+3 CC to M/s.P.PARANTHAMAN, Advocate (SR-92718 to 92720[F] dated 18/10/2019)

TR.C.M.P. (MD) Nos.229, 230 and 231 of 2019

16.10.2019

JMN(22.11.2019) 2P : 7C