



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 17.10.2019

CORAM

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THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.C.M.P. (MD)Nos.33 and 113 of 2019
and
C.M.P. (MD)Nos.1056 and 2486 of 2019

Tr.C.M.P. (MD)No.33 of 2019 :

Vinitha .. Petitioner/Respondent

Vs.

Dinakaran .. Respondent/Petitioner

Prayer : Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case bearing H.M.O.P.No.20 of 2018 on the file of the learned Principal Subordinate Judge, Paramakudi, Ramanathapuram District and subsequently transfer the same to the learned Family Court, Madurai and try along with H.M.O.P.No.364 of 2018 pending on the file of the learned Family Court, Madurai forthwith.

For Petitioner : No Appearance
For Respondent : Mr.J.Barathan

Tr.C.M.P. (MD)No.113 of 2019 :

Dinakaran .. Petitioner

Vs.

Vinitha .. Respondent

Prayer : Petition is filed under Section 24 of Civil Procedure Code, to withdraw the petition for restitution of conjugal rights in H.M.O.P.No.364 of 2018 on the file of the learned Family Court, Madurai and to transfer the same to the file of the Principal Subordinate Court, Paramakudi, Ramanathapuram District to be tried along with the divorce petition in H.M.O.P.No.20 of 2018.



For Petitioner : Mr.J.Barathan

For Respondent : No Appearance

COMMON ORDER

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Tr.C.M.P.(MD)No.33 of 2019 was filed by the wife seeking to transfer the petition in H.M.O.P.No.20 of 2018 on the file of the learned Principal Subordinate Judge, Paramakudi, Ramanathapuram District to the file of the learned Family Judge, Madurai to be tried along with the petition in H.M.O.P.No.364 of 2018.

2.Tr.C.M.P.(MD)No.113 of 2019 was filed by the husband seeking to transfer petition in H.M.O.P.No.364 of 2018 on the file of the learned Family Judge, Madurai to the file of the learned Principal Subordinate Judge, Paramakudi, Ramanathapuram District to be tried along with the petition in H.M.O.P.No.20 of 2018.

3.These petitions came on three occasions, namely on 15.10.2019, 16.10.2019 and today (17.10.2019). Though the learned counsel appearing for the wife has entered appearance before this Court, when the matter was taken up, there was no representation for the wife. Hence, this Court had proceeded to hear the learned counsel appearing for the husband in Tr.C.M.P.(MD)No.113 of 2019. The only ground on which the husband is seeking to withdraw H.M.O.P.No.364 of 2018 is that he had suffered serious injuries in an accident, which has left him physically immovable. He is finding it difficult to travel and if he is asked to travel from Paramakudi to Madurai for every hearing, he will suffer immense physical hardship. Though the petition was filed for transferring the H.M.O.P.No.364 of 2018 to the Principal Subordinate Court, Paramakudi, the learned counsel would fairly concede that it would suffice, if both the matters are transferred to the III Additional Sub Court, Madurai, wherein the presence of the parties are not required. Taking into account of the above stated fact, H.M.O.P.No.364 of 2018 which is pending on the file of Family Court, Madurai is withdrawn and transferred to the file of the III Additional Sub Court, Madurai under whose jurisdiction Sholavandhan, falls.

4.The learned Judge, Family Court, Madurai and the learned Principal Subordinate Judge, Paramakudi, are directed to transmit the entire records in H.M.O.P.Nos.364 and 20 of 2018 respectively to the III Additional Subordinate Court, Madurai. The learned III Additional Subordinate Judge, Madurai, is directed to tag H.M.O.P.No.364 of 2018 along with HMOP No.20 of 2018, conduct joint trial and dispose of the same on merits and in accordance with law.



5. With the above direction, these Transfer Civil Miscellaneous Petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

Mrn

To

1. The Principal Sub Judge, Paramakudi.

2. The Family Judge, Madurai.

3. The III Additional Sub Judge, Madurai.

+1CC to Mr. T. R. Jeyapalam, Advocate, SR.No.92760.

Tr.C.M.P. (MD) Nos. 33 and 113 of 2019
17.10.2019

CS (21.11.2019) 3P 5C