



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2019

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

T.R.C.M.P (MD) Nos.323 and 334 of 2016
and

C.M.P. (MD) No.9163 of 2016

in

T.R.C.M.P. (MD) No.323 of 2016

T.R.C.M.P (MD) No.323 of 2016:-

M.Muthulakshmi @ Kasthuri :Petitioner

vs.

1.Magesh @ Murugan

2.Manoharan

:Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, to withdraw the case in H.M.O.P.No.92 of 2016 on the file of the Family Court, Tirunelveli and transfer the same to the Subordinate Court, Thoothukudi.

For Petitioner : Mr.A.D.Ganesh Moorthi
For Respondents : Mr.H.Arumugam

T.R.C.M.P (MD) No.334 of 2016:-

Magesh @ Murugan :Petitioner

Vs.

M.Muthulakshmi @ Kasthuri

:Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, to withdraw the case in H.M.O.P.No.289 of 2015 from the file of the Subordinate Court, Tuticorin and transfer the same to the file of the Family Court, Tirunelveli.

For Petitioners : Mr.H.Arumugam
For Respondent : Mr.A.D.Ganesh Moorthi

COMMON ORDER

The petition in T.R.C.M.P. (MD) No.323 of 2016 is filed to withdraw the case in H.M.O.P.No.92 of 2016 on the file of the Family Court, Tirunelveli and transfer the same to the Subordinate Court, Thoothukudi.



2.The petition in T.R.C.M.P.(MD)No.334 of 2016 is filed to withdraw the case in H.M.O.P.No.289 of 2015 from the file of the Subordinate Court, Tuticorin and transfer the same to the file of the Family Court, Tirunelveli.

3.The marriage between the first petitioner and respondent in T.R.C.M.P.(MD)No.334 of 2016 was solemnized on 10.12.2014 at Tiruchendur. The wife has filed a petition in H.M.O.P.No.289 of 2015 under Section 9 of Hindu Marriage Act, for restitution of conjugal rights before the Subordinate Court, Tuticorin. Later, the husband filed a petition in H.M.O.P.No.92 of 2015 before the Family, Tirunelveli, to declare the marriage as null and void on the ground that the marriage was not consummated.

4.It is now admitted that the petition filed by the wife for restitution of conjugal rights before the Subordinate Court, Thoothukudi has been transferred to Subordinate Court, Tiruchendur. As on date, no proceedings is pending before the Subordinate Court, Tuticorin.

5.It is to be noted that the Subordinate Court, Tiruchendur, has been recently formed and Advocates practicing in Tiruchendur may not have much experience in dealing with matrimonial cases. This Court is informed that the Advocates from Tirunelveli and Thoothukudi are engaged for the parties to appear for them before the Subordinate Court, Tiruchendur. In such circumstances, This Court is of the view that if the proceedings are conducted before the Family Court, Tirunelveli, it will be more convenient for both parties.

6.As a result, T.R.C.M.P.(MD)No.323 of 2016 is dismissed and T.R.C.M.P.(MD)No.334 of 2016 is allowed and the proceedings in H.M.O.P.No.289 of 2015 filed before the Subordinate Court, Thoothukudi and stated to be pending before the Subordinate Court, Tiruchendur is withdrawn and transferred to Family Court, Tirunelveli. The Judge, Family Court, Tirunelveli, is directed to dispose of both H.M.O.P.s, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. Records of the proceedings pending before the Subordinate Court, Tiruchendur, shall be forwarded to the Family Court, Tirunelveli, without any delay. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

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To

1. The Judge,
Family Court, Tirunelveli.

2. The Subordinate Judge,
Thoothukudi.

3. The Subordinate Judge,
Tiruchendur.

+ 1 CC TO Mr.H.Arumugam, ADVOCATE IN SR No.68616

+ 1 CC TO Mr.A.D.Ganesha Moorthy, ADVOCATE IN SR No.68213

T.R.C.M.P (MD) Nos.323 and 334 of 2016

12.06.2019

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