



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P. (MD)Nos.333 and 334 of 2019
and C.M.P(MD)Nos.7765 and 7766 of 2019

K.Mohana Priya

... Petitioner/Respondent-Wife
(In both petitions)

Vs.

M.Maniprakash

...Respondent/Petitioner-Husband
(In both petitions)

PRAYER in Tr.C.M.P. (MD)No.333 of 2019:- Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw the case in H.M.O.P.No.85 of 2017 on the file of the learned Principal Subordinate Judge, Dindigul and transfer the same to the learned Family Court, Madurai.

PRAYER in Tr.C.M.P. (MD)No.334 of 2019:- Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw the case in G.W.O.P.No.53 of 2019 on the file of the learned Principal District Judge, Dindigul and transfer the same to the learned Family Court, Madurai.

In both petitions:

For Petitioner : Mr.A.Rajaram

For Respondent : Mr.Prithiviraj

C O M M O N J U D G M E N T

Transfer C.M.P.No.333 of 2019 is filed to transfer H.M.O.P. No.85 of 2017 from the file of the Principal Subordinate Judge, Dindigul to the file of the Family Court, Madurai. Transfer C.M.P.No.334 of 2019 is filed to transfer G.W.O.P.No53 of 2019 from the file of the learned Principal District Judge, Dindigul to the learned Family Court, Madurai.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3. It is brought to the notice of this Court that H.M.O.P.No.85 of 2017 on the file of the Principal Subordinate Judge, Dindigul, was filed by the husband for divorce. The respondent/husband has also filed G.W.O.P.No.53 of 2019 on the file of the Principal



District Judge, Dindigul for custody of the child. The petitioner/wife has filed M.C.No.94 of 2019 on the file of the Family Court, Madurai, claiming maintenance from the respondent/husband. Therefore, the petitioner seeks transfer of petitions to Family Court, Madurai.

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4. Earlier transfer petition has been filed since H.M.O.P had been filed by the husband before the Principal Sub Court, Dindigul. The very same averments has been made in the said application as well. The petitioner herein allowed the matter to be dismissed for default and by order dated 11.04.2018, this Court was pleased to dismiss the said Transfer Petition for default and thereafter, an application to restore the transfer petition was filed and the same was restored to file. Thereafter, on 28.02.2019, the petitioner had withdrawn the said Transfer petition. The petitioner/wife has successfully stalled the proceedings in H.M.O.P.No.85 of 2017 from the year 2017 to 2019. After withdrawing the said application, the present petition has been filed for the very same reason. Considering the earlier orders, this Court is not inclined to transfer as prayed for by the petitioner.

5. Considering the fact that G.W.O.P.No.53 of 2019 has been pending on the file of the Principal District Court, Dindigul, H.M.O.P.No.85 of 2017 on the file of the Principal Subordinate Court, Dindigul, is directed to be withdrawn from the file of the Principal Sub Court, Dindigul, and transfer to the file of the Principal District Court, Dindigul to be tried along with G.W.O.P.No.53 of 2019. The Principal District Judge is directed to dispose of both petitions within a period of six months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(Crl. Side)

/TRUE COPY/

Sub Assistant Registrar

CM

To,

1.The Principal District Court,
Dindigul.

2.The Principal Sub Judge,
Dindigul.



+2 CC to M/s.C.PRITHVIRAJ, Advocate SR-89239 & 89722
+2. C.C. to M/S.A.RAJARAM, Advocate SR.No. 88894 & 88895

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JM/17.10.2019/3P/7C