



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.11 of 2014

and

M.P(MD) No.1 of 2014

Revathi @ Muthulakshmi

... Petitioner

Vs.

Muthukumarasamy @ Muthukumar

... Respondent

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.616 of 2013 from the file of the Family Court, Madurai and to transfer the same to the file of the Sub Court, Tenkasi for trial.

For Petitioner : Mr.D.Venkatesh

For Respondent : No appearance

ORDER

The above Transfer Civil Miscellaneous Petition has been filed at the behest of the wife seeking to transfer H.M.O.P.No.616 of 2013 filed by the husband seeking dissolution of marriage between him and the petitioner herein before the Family Court, Madurai.

2.Though the notice has been served on the respondent and his name has been printed in the cause list, none appeared on behalf of the respondent.

3.From the averments contained in the affidavit filed in support of the transfer petition, it appears that the petitioner has been subjected to lot of cruelty at her in-law's place and the petitioner has moved an application before the learned Judicial Magistrate, Shenkottai, in Cr.M.P.No.9335 of 2013. The husband has followed up this application with the said divorce petition in H.M.O.P.No.616 of 2013.

4.The learned counsel for the petitioner would submit that the respondent has not been maintaining his wife to date and that she is totally under the care and protection of her parents, who have to take care of financial needs as well. That apart, being the Family Court, the jurisdiction of the petitioner is required for every hearing. The petitioner is admittedly residing at Tenkasi and the Sub Court at Tenkasi has also the jurisdiction to try HMOP. That apart,



Cr.M.P.No.9335 of 2013 is pending before the learned Judicial Magistrate, Tenkasi.

4.In these circumstances, this Court is of the view that interest of justice would be sub-served, if the petition in H.M.O.P.No.616 of 2013 is ordered to be withdrawn and transferred from the file of the Family Court, Madurai, to the file of Sub Court, Tenkasi. The learned Judge, Family Court, Madurai, is directed to transmit the entire records in H.M.O.P.No.616 of 2013 to the Sub Court, Tenkasi and the learned Subordinate Judge, Tenkasi, is directed to dispose of the same on merits and in accordance with law.

5.This Transfer Civil Miscellaneous Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

Sub Assistant Registrar(CS)

cp

To

1.The Judge, Family Court, Madurai.

2.The Subordinate Judge, Tenkasi.

+1CC TO MR.D.VENKATESH, Advocate Sr. No. 90016

Tr.C.M.P. (MD)No.11 of 2014

and

M.P(MD) No.1 of 2014

26.09.2019

KG(CO)

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