



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.430 of 2019

and

C.M.P(MD) No.9857 of 2019

A.Abinaya

... Petitioner/Respondent

Vs.

S.P.L.Thangaraja

... Respondent/Petitioner

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw the I.A.No.78 of 2019 in H.M.O.P.No. Unnumbered of 2019 pending before Sub Court, Uthamapalayam, Theni District and transfer the same to Family Court, Madurai.

For Petitioner : Mr.T.K.Gopalan

For Respondent : Mr.M.Shankar

ORDER

The above Transfer Civil Miscellaneous Petition has been filed seeking transfer of I.A.No.78 of 2019 in H.M.O.P.No. Unnumbered of 2019, which application is filed to dispense with the period of one year for filing the petition for divorce.

2.The petitioner has come to this Court seeking transfer the matter, which is now pending before the Sub Court, Uthamapalayam, Theni District and the main proceeding is yet to be numbered. The same would be numbered only if the Court is of the opinion that interval of one year before filing of the petition for divorce can be dispensed with. There is no necessity for the petitioner to be present before the Court and it would suffice if her counsel is represented for her. If the matter is at this juncture transferred to the Family Court, Madurai, the parties would have appeared for every hearing. Therefore, in the interest of both parties, it would be better for the Sub Court, Uthamapalayam, Theni District, to decide I.A.No.78 of 2019.



3. In view of the above observations, this Transfer Civil Miscellaneous Petition is dismissed. It well open to the petitioner to renew the request once, if the H.M.O.P is numbered. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

cp

To

1. The Subordinate Judge,
Uthamapalayam, Theni District

2. The Judge, Family Court,
Madurai

+1 CC to M/s.T.K. GOPALAN, Advocate (SR-102188[F] dated 28/11/2019)

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