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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

Tr.C.M.P.Nos.993 and 1001 of 2019
and C.M.P.Nos.26487 and 26739 of 2019

B.Gayathri

... Petitioner in both Tr.C.M.Ps

Vs.

S.Arivazhagan

... Respondent in both Tr.C.M.Ps

Petitions filed under Section 24 of the Code of Civil Procedure to withdraw and transfer H.M.O.P.Nos.105 and 106 of 2017 pending on the file of the Family Court, Trichy to Principal District and Sessions Court, Needamangalam, Tiruvarur District.

For Petitioner : Mr.P.Chandrasekaran

for M/s.B.Madhana (in both Tr.C.M.Ps)

For Respondent : Mr.R.Ganesh Babu (in both Tr.C.M.Ps)

C O M M O N O R D E R

The petitioner, who is the wife of the respondent, has filed the above Transfer Civil Miscellaneous Petitions to transfer the H.M.O.P.Nos.105 and 106 of 2017 pending on the file of the Family Court, Trichy to the file of the Principal District and Sessions Court, Needamangalam.

2.On a perusal of the materials available on record, it could be seen that on the earlier occasions, the Original Petition in H.M.O.P.No.2803 of 2010 filed by the respondent before the Family Court, Chennai was transferred to the file of the Sub Court, Perambalur. Similarly, H.M.O.P.No.482 of 2010 filed by the petitioner for restitution of conjugal rights was also transferred to Sub Court, Perambalur. Thereafter, the respondent filed a petition in Tr.C.M.P.No.397 of 2015 to withdraw both the Original Petitions pending on the file of the Sub Court, Perambalur and transfer to the file of the Family Court, Chennai. However, by consent, both the Original Petitions were transferred to the file of the Family Court, Trichy. Now, the petitioner has filed the Transfer Civil Miscellaneous Petitions for the third time for transferring the Original Petitions from Family Court, Trichy to the file of the District Court, Needamangalam.



3.The reasoning given by the petitioner for transferring the matters to a Court in Needamangalam, cannot be granted for the reason that already the grievance of the parties were addressed by this Court on earlier two occasions. When the Original Petitions were filed as early as in the year 2010, they are kept pending even after a lapse of nearly ten years. Therefore, I am not inclined to transfer the Original Petitions from the file of the Family Court, Trichy. Accordingly, both the Transfer Civil Miscellaneous Petitions are dismissed. I direct the Family Court Judge, Trichy to dispose of the Original Petitions in H.M.O.P.Nos.105 and 106 of 2017, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

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To

1.The Family Court, Trichy.

+1 cc to M/s.B.Madhana Advocate sr20345
+1 cc to M/s.J.Padma Priya Advocate sr20344
+1 cc to M/s.R.Ganesh Advocate sr20154

Tr.C.M.P.Nos.993 and 1001 of 2019
and C.M.P.Nos.26487 and 26739 of 2019

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