



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2020

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WEB COPY

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.41 of 2020

and

C.M.P(MD) No.804 of 2020

R.Selvamathi

... Petitioner

-Vs-

K.Deivaraj

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.293 of 2019 from the file of the Family Court, Dindigul and transfer the same to the file of Family Court, Madurai for the disposal of the case on merits in accordance with law.

For Petitioner : Mr.R.Gandhi
For Respondent : Mr.J.Lawrance

O R D E R

The petitioner/wife seeks transfer of H.M.O.P.No.293 of 2019 filed by the husband seeking divorce under Section 13(1)(ia) of the Hindu Marriage Act from the file of the Family Court, Dindigul to the file of the Family Court, Madurai. The transfer is sought for solely on the ground of convenience of the wife.

2. It is also stated that the wife has filed H.M.O.P.No.1310 of 2019 before the Family Court, Madurai seeking restitution of conjugal rights. Admittedly, the said petition was filed after the filing of the H.M.O.P.No.293 of 2019 by the husband seeking divorce at the Family Court, Dindigul.

3. Considering the convenience of the wife, who has certain health issues also, I am of the considered opinion that the H.M.O.P.No.293 of 2019 and H.M.O.P.No.1310 of 2019 may be withdrawn from the file of the Family Court, Dindigul and Family Court, Madurai, and transferred to the Principal Sub Court, Madurai. The transfer is made to the Principal Sub Court, Madurai, keeping in mind the convenience of the husband, who admittedly



hearing in the Sub Court as in the case of Family Court.

4. In view of the same, the Transfer Civil Miscellaneous Petition is allowed and the proceedings in H.M.O.P.No.293 of 2019 and H.M.O.P.No.1310 of 2019 are withdrawn from the file of the Family Court, Dindigul and the Family Court, Madurai and transferred to the Principal Sub Court, Madurai to be tried and disposed of in accordance with law. The Family Court, Dindigul and the Family Court, Madurai are directed to transmit the papers in H.M.O.P.No.263 of 2019 and H.M.O.P.No.1310 of 2019 to the Principal Sub Court, Madurai, forthwith. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(WRITS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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TO

1. The Family Court, Dindigul.
2. The Family Court, Madurai.
3. The Principal Sub Court, Madurai.
4. The Record Keeper,V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1 CC to M/s.J.LAWRENCE, Advocate (SR-8798[F] dated 27/02/2020)

+1 CC to M/s.R.GANDHI, Advocate (SR-9292[F] dated 28/02/2020)

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SCR(CO)

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