



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on: 01.10.2020
Pronounced on: 09 .10.2020
CORAM:
CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE
Tr.C.M.P. (MD) No.39 of 2020
and
C.M.P. (MD) No.730 of 2020

Supriya

... Petitioner / Respondent

-vs-

Raja Prabakar

... Respondent/ Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the case in HMOP.No.544 of 2011 on the file of the Family Judge, Madurai District and transfer the same to the file of the learned Family Court, Coimbatore District or any Court of competent jurisdiction in Coimbatore District.

For Petitioner : Mrs.T.Seeni Syed Amma
For M/s.T.LajapathyRoy

For Respondent : Mr.George Stephen Kanikkairaj

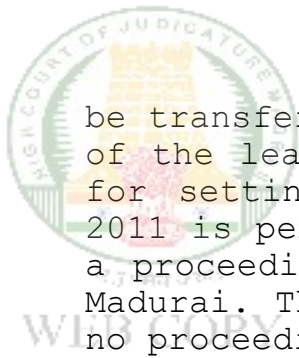
O R D E R

This petition is filed seeking transfer of H.M.O.P.No.544 of 2011 now pending on the file of the Family Court, Madurai to the file of any Family Court Coimbatore.

2.The petitioner herein was married to the respondent. Her case is that the respondent had laid H.M.O.P.No.544 of 2011 before the Family Court, Madurai for dissolution of marriage and had obtained an ex-parte order dated 12.06.2018. He further added that she came to know about this fact when she moved the police station at Bangalore wherein the respondent had informed about the ex-parte decree for dissolution of marriage that he had obtained. It is her further case that she has filed I.A.No.701 of 2020 for setting aside the ex-parte decree. She states that she is now living in Coimbatore along with 10 years old son and it is difficulty for her to travel to Coimbatore.

3.Heard both sides.

4.The learned counsel for the respondent vehemently argued as on date H.M.O.P.No.544 of 2011 is not pending and there is nothing to



be transferred today. This Court is not impressed with the statement of the learned counsel for the respondent. As on today, a petition for setting aside the exparte decree passed in H.M.O.P.No.544 of 2011 is pending and that is good enough cause to hold that there is a proceeding which is required to be decided by the Family Court, Madurai. Therefore, it may not be appropriate to hold that there is no proceeding pending before the Family Court, Madurai.

5.In fine, this Transfer Civil Miscellaneous Petition is allowed. Accordingly, H.M.O.P.No.544 of 2011 now pending on the file of the Family Court, Madurai is directed to be withdrawn from the said Court and transferred to the file of the Family Court, Coimbatore for disposal as per law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Cm/msa

To:

1.The Judge
Family Court,
Madurai District

2.The Judge,
Family Court,
Coimbatore

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-19811[F] dated 12/10/2020)

+1 CC to M/s.GEORGE STEPHEN KAHIKKAIRAJ, Advocate (SR-19717[F] dated 12/10/2020)

Order made in
Tr.C.M.P. (MD) No.39 of 2020
and
C.M.P. (MD)No.730 of 2020

Dated:
09.10.2020

SGS (CO)

NR (22/10/2020) 2P : 5C

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