



WEB COPY

TR C.M.P (MD) No.96 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.06.2020

CORAM

THE HONOURABLE Mrs. JUSTICE R.THARANI

TR C.M.P (MD) No.96 of 2020

and

C.M.P(MD) No.1989 of 2020

M.Arulmalar

...Petitioner/Respondent

-Vs-

I.Prakash

...Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceedings in H.M.O.P. No.412 of 2019 now pending on the file of the Family Court, Trichy and transfer the same to the file of the Family Court, Madurai.

For Petitioner	:	Mr.R.Sevugaraja
For Respondent	:	Ms.T.Banumathy

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to transfer the case in H.M.O.P.No.412 of 2019 on the file of the Family Court, Trichy, to the file of the Family Court, Madurai.

2. On the side of the petitioner, it is stated that the petitioner being a lady, is residing at Madurai. The respondent/ husband filed a divorce petition in H.M.O.P.No.412 of 2019 pending before the Family Court, Trichy and the petitioner / wife filed a petition, seeking for restitution of conjugal right, in H.M.O.P.No.1313 of 2019, which is pending, on the file of the Family Court, Madurai and it will be better if both the cases are tried by the same Court to avoid contrary judgments and hence, prayed H.M.O.P.No.412 of 2019, on the file of the Family Court, Trichy, to be transferred to the Family Court, Madurai.

3. On the side of the respondent, it is stated that the respondent / husband is working in Delhi and hence, the personal appearance before the Family Court, Madurai is not possible and prayed for dispensing with the personal appearance of the respondent / husband.

4. The respondent / husband himself has filed a petition for divorce before the Family Court, Trichy. When the respondent / husband is able to appear before the Family Court, Trichy, he can appear before the Family Court, Madurai also. As there is another proceedings pending before the Family Court, Madurai, and since only



after the completion of the counseling proceedings, the respondent / husband may approach the Family Court, Madurai, for dispensing with his personal appearance and not at this stage.

5. In the above circumstances, this Transfer Civil Miscellaneous Petition is allowed, H.M.O.P.No.412 of 2019 is withdrawn from the file of the Family Court, Trichy and is transferred to the Family Court, Madurai.

6. The Family Court, Trichy, is directed to transmit the entire records, in H.M.O.P.No.412 of 2019, to the Family Court, Madurai.

7. The Family Court, Madurai, is hereby directed to issue sufficient notice to the respondent after the case is transferred and renumbered and also to tag H.M.O.P.No.412 of 2019 along with H.M.O.P.No.1313 of 2019, which is pending on its file, to conduct joint trial. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ls

To

1.The Judge, Family Court,
Trichy.

2.The Judge, Family Court,
Madurai.

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