



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

TR.C.M.P. (MD) No.99 of 2020

and

C.M.P (MD) No.2033 of 2020

Priya Saraswathy ... Petitioner/Respondent
vs.

Annamalai ... Respondent/Petitioner

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer H.M.O.P.1074 of 2019 and H.M.O.P.No.1374 of 2019 on the file of the learned Family Court, Madurai District to Sub Court, Sivagangai.

For Petitioner : Mr.B.Jameel Arasu

ORDER

The petitioner / wife, who is facing proceedings for divorce at the instance of the husband in H.M.O.P.No.1074 of 2019 on the file of the Family Court at Madurai and who has launched the proceedings for restitution of conjugal rights in H.M.O.P.No.1374 of 2019 on the file of the Family Court, Madurai, seeks transfer of both the proceedings to some other Court.

2. I am not going into the reasons for seeking transfer. Originally H.M.O.P.No.1074 of 2019 was filed as H.M.O.P.No.24 of 2018 on the file of the Additional Family Court, Chennai and H.M.O.P.No.1374 of 2019 was filed as H.M.O.P.No.7 of 2019 on the file of the Sub Court, Devakottai.

3. The petitioner moved the Principal Bench by way of transfer in Tr.C.M.P.No.82 of 2019 seeking transfer of the case pending before the Additional Family Court, Chennai in H.M.O.P.No.24 of 2018 (H.M.O.P.No.1074 of 2019) to the file of the Sub Court, Devakottai to be tried along with H.M.O.P.No.7 of 2019 (H.M.O.P.No.1374 of 2019). After hearing the parties, the Principal Bench by order dated 26.07.2019 allowed the transfer petition and transferred both the original petitions to the file of the Family Court at Madurai.

4. Now the petitioner wants transfer of the said proceedings from the Family Court, Madurai to any other Court at Madurai or



elsewhere. I do not think that I can entertain this transfer petitioner, since I will be forced to either review of the order or sit in appeal over the order of the Principal Bench in Tr.C.M.P.No.82 of 2019.

5. Hence, this transfer civil miscellaneous petition is dismissed as not maintainable. However, liberty is reserved for the petitioner to approach the Principal Bench seeking transfer of the proceedings from the Family Court, Madurai *dehors* the fact that the proceedings are pending in Court within the jurisdiction of this Bench in the peculiar situation, where the transfer has been effected pursuant to the order of the Principal Bench made in Tr.C.M.P.No.82 of 2019. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Judge,
Family Court, Madurai District.

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-8348[F] dated
26/02/2020)

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AVS (CO)

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