



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 25.06.2020

CORAM

WEB COPY

THE HONOURABLE Mrs. JUSTICE R.THARANI

TR C.M.P (MD) No.118 of 2020
and
C.M.P(MD) No.2287 of 2020

Preethi Petitioner / Respondent

-Vs-

S.Prasanna ... Respondent / Petitioner

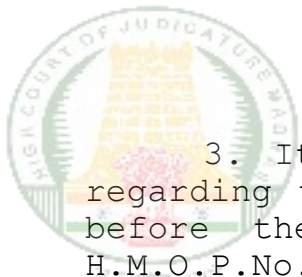
Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.232 of 2019 now pending on the file of the Family Court, Madurai and to transfer the same to the file of the Sub-Court, Periyakulam, to be tried along with H.M.O.P.No.74 of 2019 on the file of the Sub-Court, Periyakulam and for disposal of the same on merits and in accordance with law.

For Petitioner : Mr.V.George Raja
for M/s.Ajmal Associates
For Respondent : Mr.K.Marimuthu

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to transfer the case in H.M.O.P.No.232 of 2019 on the file of the Family Court, Madurai, to the file of the Sub-Court, Periyakulam, to be tried by clubbing the same with the petition in H.M.O.P.No.74 of 2019 filed by the petitioner herein.

2. On the side of the petitioner, it is stated that the petitioner / wife is now residing at Periyakulam with her parents. She has to take care of her five years old female child and she finds it difficult to attend the Court at Madurai. The respondent / husband filed a divorce petition in H.M.O.P.No.232 of 2019 pending before the Family Court, Madurai and the petitioner / wife filed a petition, seeking for restitution of conjugal right, in H.M.O.P.No.74 of 2019, which is pending, on the file of the Sub-Court, Periyakulam and to facilitate both the cases to be tried together, the case in H.M.O.P.No.232 of 2019 pending before the Family Court, Madurai, is to be transferred to the Sub-Court, Periyakulam.



3. It is seen that two cases are pending before two Courts regarding the same matter. The respondent / husband has to appear before the Sub-Court, Periyakulam for conducting the case in H.M.O.P.No.74 of 2019. No prejudice will be caused to the respondent / husband in transferring the case pending before the Family Court, Madurai. Hence, H.M.O.P.No.232 of 2019 is withdrawn from the file of the Family Court, Madurai and is transferred to Sub-Court, Periyakulam.

4. The Family Court, Madurai, is directed to transmit the entire records, in H.M.O.P.No.232 of 2019, to the Sub-Court, Periyakulam.

5. The Sub-Court, Periyakulam, is hereby directed to issue fresh summon to the respondent after the case is transferred and renumbered and also to tag H.M.O.P.No.232 of 2019 along with H.M.O.P.No.74 of 2019, which is pending on its file and to conduct a joint trial.

6. With the above the directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Judge,
Family Court,
Madurai.

2. The Sub-Judge,
Periyakulam.

TR C.M.P (MD) No.118 of 2020
and
C.M.P (MD) No.2287 of 2020
25.06.2020

Ls

SDS (01.07.2020) 2P-3C