



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

CORAM

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THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P(MD)No.150 of 2020

and

C.M.P(MD) No.2852 of 2020

Kavitha ... Petitioner/Respondent

-Vs-

Saravanakumar ... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.6 of 2019 pending on the file of the Subordinate Court, Uthamapalayam and transfer the same to the Family Court, Karur and to try along with H.M.O.P.No.46 of 2018, on the file of the Family Court, Karur.

For Petitioner : Mr.R.Mathiyalagan

For Respondent : Mr.A.D.Ganeshamoorthi

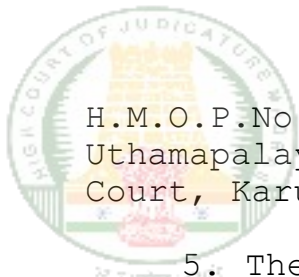
O R D E R

The petitioner/wife, who is facing the proceedings for dissolving the marriage at the instance of the husband in H.M.O.P.No.6 of 2019, on the file of the the Subordinate Court, Uthamapalayam, Theni District, seeks transfer of the same to the Family Court at Karur District, to be tried along with petition for restitution of conjugal rights filed by her in H.M.O.P.No.46 of 2018.

2. Admittedly, the wife resides at Karur District and transfer is sought for mainly on the ground of convenience. The respondent denies the averment and opposed the transfer sought for.

3. Considering the convenience of the wife, H.M.O.P.No.6 of 2019, on the file of the the Subordinate Court, Uthamapalayam, can be transferred to the Family Court, Karur District, to be tried along with H.M.O.P.No.46 of 2018.

4. In view of the above, this Transfer Civil Miscellaneous Petition is allowed and the proceedings in H.M.O.P.No.6 of 2019 is withdrawn from the file of the Subordinate Court, Uthamapalayam and transferred to Family Court, Karur District, to be tried along with



H.M.O.P.No.46 of 2018. The learned Judge, Subordinate Court, Uthamapalayam, is directed to transmit the papers to the Family Court, Karur District, forthwith.

5. The learned Judge, Family Court, Karur District, is directed to dispose of the proceedings in H.M.O.P.No.6 of 2019 along with H.M.O.P.No.46 of 2018, within a period of six months from the date of receipt of the papers from the Subordinate Court, uthamapalayam, after due notice and opportunity to both parties. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Subrodinate Judge,
Uthamapalayam.
2. The Judge Family Court,
Karur.
3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai(2 copies)

+1 CC to M/s.A.D.GANESHA MOORTHY, Advocate (SR-24031[F] dated 04/12/2020)

Tr.C.M.P(MD)No.150 of 2020
02.12.2020

MA (CO)

TR(11.12.2020) 2P 6C