



WEB COPY

Tr.C.M.P(MD)No.259 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM

**THE HON'BLE MR.JUSTICE R.MAHADEVAN**

**Tr.C.M.P (MD)No.259 of 2020**

**and**

**C.M.P(MD) No.5785 of 2020**

S.Sivanandhini

... Petitioner/Respondent

-Vs-

M.Arulpandi @ Arulpandian

... Respondent/Petitioner

**Prayer:** Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., pleased to withdraw the case in H.M.O.P.No.116 of 2020 pending on the file of the III Additional Subordinate Court, Madurai and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.K.M.Thirupathi

For Respondent : No Appearance

### **O R D E R**

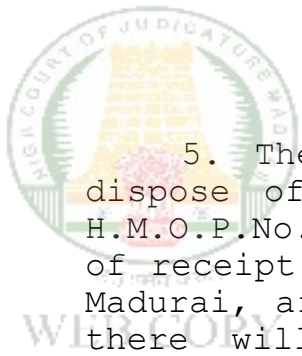
The petitioner/wife, who is facing the proceedings for dissolving the marriage at the instance of the husband in H.M.O.P.No.116 of 2020, on the file of the the III-Additional Subordinate Court, Madurai, seeks transfer of the same to the Family Court, Madurai, where the petition in H.M.O.P.No.534 of 2020 filed by the wife for restitution of conjugal rights is pending.

2. The learned counsel appearing for the petitioner submitted that both the cases are having same cause of action among the same parties, if it is adjudicated in different forum, it will cause prejudice to the parties. Hence, the petitioner has filed the present petition seeking transfer.

3. Considering the facts and circumstances of the case, H.M.O.P.No.116 of 2020, on the file of the the III-Additional Subordinate Court, Madurai, can be transferred to the Family Court, Madurai, to be tried along with H.M.O.P.No.534 of 2020.

4. In view of the above, this Transfer Civil Miscellaneous Petition is allowed and the proceedings in H.M.O.P.No.116 of 2020 is withdrawn from the file of the III-Additional Subordinate Court, Madurai and transferred to Family Court, Madurai, to be tried along with H.M.O.P.No.534 of 2020. The learned Judge, III-Additional Subordinate Court, Madurai, is directed to transmit the papers to the Family Court, Madurai, forthwith.

<https://hcservices.ecourts.gov.in/hcservices/>



5. The learned Judge, Family Court, Madurai, is directed to dispose of the proceedings in H.M.O.P.No.116 of 2020 along with H.M.O.P.No.534 of 2020, within a period of six months from the date of receipt of the papers from the III-Additional Subordinate Court, Madurai, 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 (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pkn

**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 III-Additional Subordinate Judge,  
Madurai.
2. The Judge,  
Family Court,  
Madurai.
3. The Record Keeper, V.R.Section, (2 copies)  
Madurai Bench of Madras High Court, Madurai.

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**09.12.2020**

VB (16.12.2020) 2P 5C