



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

TR.C.M.P. (MD) No.278 of 2019

and

C.M.P. (MD) Nos.6487 and 6488 of 2019

WEB COPY

Ambika ... Petitioner/Respondent
vs.

P.Ramkumar ... Respondent/Petitioner

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and to transfer H.M.O.P.No.130 of 2019 pending on the file of the Sub Court, Sivakasi to the learned Family Court, Madurai and jointly to try along with H.M.O.P.No.553 of 2019 pending on the file of the learned Family Court, Madurai.

For Petitioner : Mr.R.Rajamohan
For Respondent : Mr.M.Jothi Basu

ORDER

The wife, who is facing the proceedings for divorce under Section 13 (1) (i-a) of the Hindu Marriage Act in H.M.O.P.No.130 of 2019 on the file of the Sub Court, Sivakasi seeks transfer of the same to the Family Court, Madurai to be tried along with H.M.O.P.No.553 of 2019 filed by her before the Family Court, Madurai.

2. Admittedly, the husband is the resident of Sivakasi and the wife is the resident of Madurai. H.M.O.P.No.130 of 2019 on the file of the Sub Court, Sivakasi was filed on 25.02.2019. H.M.O.P.No.553 of 2019 has been filed before the Family Court, Madurai on 08.05.2019 probably after receipt of notice in H.M.O.P.No.130 of 2019. Transfer is sought mainly on the ground of convenience of the wife. It is seen from the records that wife is also decently employed in Indian Overseas Bank and there are no children.

3. Considering the fact that the wife is employed at Madurai and also taking into account the convenience of the husband, I am of the considered opinion that both original petitions can be transferred to the Principal Sub Court, Madurai to be disposed of in accordance with law. Transfer to the Sub Court is made bearing in mind the fact that the proceedings before the Family Court require appearance of the parties for every hearing and inconvenience caused to the husband would be more, if the proceedings are placed before the Family Court.



4. Hence, this transfer petition is allowed. The proceedings in H.M.O.P.No.130 of 2019 on the file of the Sub Court, Sivakasi and H.M.O.P.No.553 of 2019 on the file of the Family Court, Madurai are withdrawn and transferred to the Principal Sub Court, Madurai to be heard and disposed of in accordance with law. The Sub Court, Sivakasi and the Family Court, Madurai are directed to transmit the papers to the Principal Sub Court, Madurai forthwith. The Principal Sub Court, Madurai is required to dispose of the original petitions as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD I)

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Sub Assistant Registrar(CS)

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To

1.The Sub Court, Sivakasi.

2.The Family Court, Madurai

3.The Principal Sub Court, Madurai.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-2920[F] dated 24/01/2020)

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-3034[F] dated 24/01/2020)

TR.C.M.P. (MD) No.278 of 2019

24.01.2020

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