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Tr.C.M.P(MD)Nos.421 and 422 of 2019

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)Nos.421 and 422 of 2019

and

C.M.P (MD)Nos.9723 & 9725 of 2019

Kalai Nirrai Celwon Pillaikani : Petitioner in
both Tr.C.M.Ps./Respondent

-Vs-

M.Priyadharshni : Respondent in
both Tr.C.M.Ps/Petitioner

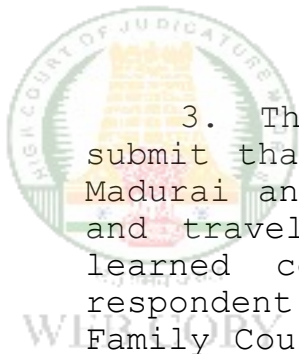
Common Prayer: Transfer Civil Miscellaneous Petitions filed under Section 24 of C.P.C., to withdraw the cases in G.W.O.P.No.18 of 2018 and H.M.O.P.No.380 of 2018 from the file of Family Court, Trichirappalli and transfer the same to the file of the Family Court, Madurai for disposal of the same on merits and in accordance with law.

For Petitioner : Mr.R.Senthil Prabhakar
(In both cases)
For Respondent : Mr.K.M.Karunakaran
(In both cases)

COMMON ORDER

These Transfer Civil Miscellaneous Petitions have been filed by the petitioner seeking to withdraw the cases in G.W.O.P.No.18 of 2018 and H.M.O.P.No.380 of 2018 from the file of the Family Court, Trichirappalli and transfer the same to the file of the Family Court, Madurai for disposal of the same on merits and in accordance with law.

2. The petitioner herein is the husband and the respondent herein is the wife. The marriage between the petitioner and the respondent was solemnized on 16.05.2013. Out of the wedlock, one male child was born. Subsequently, there was a misunderstanding between the petitioner and the respondent. Thereafter, they lived separately. The respondent / wife filed petition in H.M.O.P.No.380 of 2018 for dissolution of marriage on the file of the Family Court, Trichirappalli and she has also filed a petition in G.W.O.P.No.18 of 2018, seeking to appoint her as the guardian and custodian of her minor daughter Akshara, on the file of the Family Court, Trichirappalli.



3. The learned counsel appearing for the petitioner would submit that the petitioner is now working in a private concern at Madurai and therefore, it is very difficult for him to take leave and travel to Trichirappalli for each and every hearings. The learned counsel for the petitioner further submits that the respondent is residing in Japan and she is not appearing before the Family Court, Trichirappalli and hence, the petitioner came forward to file these Transfer Civil Miscellaneous petitions with the aforesaid prayers.

4. The learned counsel appearing for the respondent would submit that the respondent herein has returned from Japan and continuously staying at Trichy from the Month of March 2020 and therefore, instead of transferring the cases in G.W.O.P.No.18 of 2018 and H.M.O.P.No.380 of 2018 from the file of the Family Court, Trichirappalli to the Family Court, Madurai, the learned Judge, Family Court, Trichirappalli may be directed to dispose of the cases in G.W.O.P.No.18 of 2018 and H.M.O.P.No.380 of 2018 within the prescribed time limit.

5. The said request made by the respondent is not opposed by the learned counsel for the petitioner.

6. Considering the submissions made by both sides, this Court directs the learned Judge, Family Court, Trichirappalli to dispose of the cases in G.W.O.P.No.18 of 2018 and H.M.O.P.No.380 of 2018 on merits and in accordance with law, after due notice and opportunity to both parties, as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, these Transfer Civil Miscellaneous Petitions are disposed of. However, there will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsm

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.

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



To

The Judge, Family Court,
Tiruchirappalli.

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+1 CC to Mr.M.KANNAN, Advocate SR-25021.

+1 CC to Mr.K.M.KARUNAKARAN, Advocate SR-24951.

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09.12.2020

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