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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

TR.C.M.P. (MD) No.538 of 2019

and

C.M.P (MD) No.12502 of 2019

P.T.Vidya

... Petitioner

vs.

Thilak

... Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw I.D.O.P.No.103 of 2019 on the file of the Principal District Court, Virudhunagar District at Srivilliputhur and transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner

: Mr.R.J.Karthick

For Respondent

: No appearance

ORDER

The petitioner / wife, who is facing the proceedings for dissolution of marriage under Section 10 (1) (x) of the Divorce Act in I.D.O.P.No.103 of 2019 before the Principal District, Judge, Virudhunagar District, has come up with this petition seeking transfer of the said proceedings to the Family Court, Tirunelveli to be tried along with I.D.O.P.No.287 of 2019 filed by her seeking declaration that the marriage is nullity and for other reliefs on the file of the Family Court, Tirunelveli.

2. Though the respondent has been served on 16.01.2020, he has not chosen to appear either in person or through counsel duly instructed.

3. Considering the fact that the wife is the resident of Tirunelveli and the respondent / husband is the resident of Sattur and considering the possibility of conflicting judgments, if the two petitions are tried by different Courts, I.D.O.P.No.103 of 2019 pending before the Principal District Court, Virudhunagar at Srivilliputhur is withdrawn and transferred to the file of the Family Court, Tirunelveli to be tied along with I.D.O.P.No.287 of 2019 pending on its file. The Principal District Court, Virudhunagar at Srivilliputhur is directed to forward the papers in I.D.O.P.No.103 of 2019 to the file of the Family Court, Tirunelveli to be disposed of in accordance with law.



4. Accordingly, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Principal District Judge,
Virudhunagar District at Srivilliputhur.

2.The Judge, Family Court, Tirunelveli.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-5718[F] dated 11/02/2020)

TR.C.M.P. (MD) No.538 of 2019

11.02.2020

SMA/24/02/2020/2P/4c