



WEB COPY

TR.CMP(MD).No.45 of 2021 and

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR.CMP(MD).No.45 of 2021 and
CMP(MD).No.964 of 2021

M. Santhi

.. Petitioner

Vs.

D. Vimalraj

... Respondent

Prayer: Transfer CMP filed under Section 24 of the CPC to withdraw the case in HMOP.No.339 of 2020 on the file of the Family Court, Madurai and to transfer the same to the Sub Court, Theni to try along with HMOP.No.139 of 2020.

For petitioner : Mr. A. Pushpanathan

For respondent : No appearance

ORDER

Despite service of notice, respondent / husband has not appeared either in person or through counsel duly instructed.

2. The petitioner / wife, seeks transfer of the petition filed by the respondent / husband in HMOP.No. 339 of 2020, pending on the file of Family Court, Madurai to Sub Court, Theni to be tried along with HMOP.No.139 of 2020, which is already pending on the file of Sub Court, Theni.

3. While HMOP.No.339 of 2020 is filed by the respondent / husband for restitution of conjugal rights, HMOP.No.139 of 2020 has been filed by the petitioner / wife seeking divorce on the ground of cruelty. These two petitions will have to be heard together in order to avoid conflicting Judgments.

4. It is also seen that HMOP.No.139 of 2020 was filed in the month of February 2020 and HMOP.No.339 of 2020 filed before the Family Court in the month of August 2020. Hence, HMOP.No. 339 of 2020 is withdrawn from the file of the Family Court, Madurai and transferred to the file of Sub Court, Theni to be heard and disposed of along with HMOP.No.139 of 2020.



5. In view of the same, the Transfer CMP is allowed. The Family Court, Madurai is directed to transmit the papers to the Sub Court, Theni, forthwith. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

1. The Judge, Sub Court, Theni.

2. The Judge, Family Court, Madurai.

+1 CC to Mr.A.PUSHPANATHAN, Advocate (SR-8794[F] dated 04/03/2021)

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