



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 30.04.2021**

**CORAM:**

**THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN**

**Tr.C.M.P. (MD) Nos.83 and 163 of 2021**

**and**

**C.M.P. (MD) Nos.1698 and 3126 of 2021**

**In Tr.C.M.P (MD) No.83 of 2021:**

|                 |      |                |
|-----------------|------|----------------|
| V.P.Arun        |      | ... Petitioner |
|                 | -vs- |                |
| V.S.Mahalakshmi |      | ... Respondent |

**PRAYER:** Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw HMOP.No.229 of 2020 pending on the file of the learned Family Court, Tirunelveli and transfer the same to the file of learned Family Court, Thanjavur to try along with HMOP.No.189 of 2019 on the file of Family Court, Thanjavur.

|                |                           |
|----------------|---------------------------|
| For Petitioner | : Mr.A.Mohamed Haneef     |
| For Respondent | : Mr.V.M.Jegadeesapandian |

**In Tr.C.M.P (MD) No.163 of 2021:**

|                 |      |                |
|-----------------|------|----------------|
| V.S.Mahalakshmi |      | ... Petitioner |
|                 | -vs- |                |
| V.P.Arun        |      | ... Respondent |

**PRAYER:** Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw HMOP.No.189 of 2019 on the file of the Family Court, Thanjavur and transfer the same to the Family Court, Tirunelveli to be tried along with HMOP.No.229 of 2020 on the file of the Family Court, Tirunelveli.

|                |                           |
|----------------|---------------------------|
| For Petitioner | : Mr.V.M.Jegadeesapandian |
| For Respondent | : Mr.M.P.Senthil          |

**C O M M O N    O R D E R**

Tr.C.M.P (MD) No.83 of 2021 is filed to withdraw HMOP.No.229 of 2020 pending on the file of the learned Family Court, Tirunelveli and transfer the same to the file of learned Family Court, Thanjavur to try along with HMOP.No.189 of 2019 on the file of Family Court, Thanjavur.

2.Tr.C.M.P (MD) No.163 of 2021 is filed to withdraw HMOP.No.189 of 2019 on the file of the Family Court, Thanjavur and transfer the same to the Family Court, Tirunelveli to be tried along with HMOP.No.229 of 2020 on the file of the Family Court, Tirunelveli.



3. HMOP.No.189 of 2019 is filed by the husband for dissolution of marriage before the Family Court, Thanjavur and HMOP.No.229 of 2020 is filed by the wife before the Family Court, Tirunelveli for restitution of conjugal rights.

4. Both the learned counsel appearing for the parties in both petitions are heard. This Court has perused the materials available on record.

5. It is seen that both that parties had initiated two different proceedings in two different courts. If the cases are tried by different courts, it would lead to conflicting judgments. Therefore, this Court is of the view that it would be appropriate, if both the cases are conducted in one court, for which, the learned counsel appearing on either side submitted that both that cases may be transferred to the file of Family Court, Madurai.

6. In view of the same, HMOP.No.229 of 2020 pending on the file of the learned Family Court, Tirunelveli and HMOP.No.189 of 2019 pending on the file of the Family Court, Thanjavur are withdrawn and transferred to the file of the Family Court, Madurai, for disposal as per law. The Judge, Family Court, Thanjavur and the Judge, Family Court, Tirunelveli are directed to transmit the respective papers to the file of the Family Court, Madurai, forthwith. The Judge, Family Court, Madurai is directed to club HMOP.No.189 of 2019 along with HMOP.No.229 of 2020 together and dispose the same on merits and in accordance with law as expeditiously as possible.

7. The personal appearance of the parties before the Family Court, Madurai is dispensed with, except on the dates of hearing, on which, the learned Judge insists upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the court.

8. In fine, both Transfer Civil Miscellaneous Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



To:

1. The Judge, Family Court, Thanjavur
2. The Judge, Family Court, Tirunelveli
3. The Judge, Family Court, Madurai

+1 CC to M/s.A.MOHAMED HANEEF, Advocate ( SR-18126[F] dated 30/04/2021 )

Tr.C.M.P. (MD) Nos.83 and 163 of 2021  
and

C.M.P. (MD) Nos.1698 and 3126 of 2021

Dated:  
30.04.2021

ARK (CO)

KB (11.05.2021) 3P 5C