



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.(MD) No.96 of 2021
and C.M.P.(MD)No.2055 of 2021

R.Nivedha

:Petitioner/Respondent

-vs-

M.Pazhani Kumar

:Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.174 of 2020 pending on the file of the Principal Sub Court, Tenkasi, Tenkasi District and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.D.Gurusamy
For Respondent : Mr.J.Karthick

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.174 of 2020 pending on the file of the Principal Sub Court, Tenkasi, Tenkasi District and transfer the same to the file of the Family Court, Madurai.

2.H.M.O.P.No.174 of 2020 was filed by the respondent/husband before the Principal Sub Court, Tenkasi, Tenkasi District for dissolution of marriage. The petitioner/wife filed H.M.O.P(MD)No.794 of 2020 before the Family Court, Madurai for restitution of conjugal rights.

3.The learned counsel for the petitioner submitted that the petition filed by the petitioner in H.M.O.P.No.794 of 2020 is pending before the Family Court, Madurai and H.M.O.P.No.174 of 2020 filed by the respondent is pending before the Principal Sub Court, Tenkasi, Tenkasi District and if both proceedings are tried by different courts, it would lead to conflicting decisions. Therefore, the petitioner seeks transfer of H.M.O.P.No.174 of 2020 from the file of the Principal Sub Court, Tenkasi, Tenkasi District to the file of the Family Court, Madurai, to be tried along with H.M.O.P.No.794 of 2020.

4.The learned counsel for the respondent submitted that if the court feels to transfer the case, the same may be transferred to the file of the Court at Sankarankoil or Kovilpatti.



5.This Court has considered the submissions made on either side.

6.This Court is satisfied with the reasons stated in the affidavit filed in support of this petition.

7.Considering the facts and circumstances of the case and also considering the submissions, H.M.O.P.No.174 of 2020 on the file of the Principal Sub Court, Tenkasi, Tenkasi District is withdrawn and transferred to the file of the Family Court, Madurai, to be heard along with H.M.O.P.No.794 of 2020 for disposal as per law. The Principal Subordinate Judge, Tenkasi, Tenkasi District is directed to transmit the papers to the Family Court, Madurai forthwith. The Family Court, Madurai is directed to dispose of H.M.O.P.No.174 of 2020 along with H.M.O.P.No.794 of 2020 on merits and in accordance with law as expeditiously as possible.

8.The personal appearance of the parties before the Family Court 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.

9.This petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

ASSISTANT REGISTRAR(CS - II)

/TRUE COPY/

/ /2021

SUB ASSISTANT REGISTRAR(CS)

To:

1. The Principal Sub Judge,
Tenkasi,
Tenkasi District.

2. The Judge,
Family Court,
Madurai.

CM/msa (PA) PK (CO)
RP/12.05.2021/2P/3C.

Order made in
Tr.C.M.P. (MD) No.96 of 2021
and C.M.P. (MD)No.2055 of 2021

Dated:

21.04.2021