



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2021

CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)Nos.137 of 2020 & 27 of 2021

and

C.M.P(MD) Nos.2645 of 2020 & 472 of 2021

S.Murugeswari	...	Petitioner in/Respondent Tr.C.M.P(MD)No.137 of 2020
M.Sethupathi Neerkathalingam	...	Petitioner in/Respondent/ Respondent Tr.C.M.P(MD)No.27 of 2021
-Vs-		
Sethupathi Neerkathalingam	...	Respondent in/Petitioner Tr.C.M.P(MD)No.137 of 2020
S.Murugeswari	...	Respondent in/Petitioner Petitioner Tr.C.M.P(MD)No.27 of 2021

Prayer in Tr.C.M.P(MD)No.137 of 2020: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.38 of 2020, on the file of the Court of the Sub Judge of Theni, Theni District and transfer the same to the Family Court, Srivilliputhur.

Prayer in Tr.C.M.P(MD)No.27 of 2021: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the cases filed by the respondent in H.M.O.P.No.60 of 2020 and M.C.No.12 of 2020, on the file of the Family Court, Srivilliputhur, Virudhunagar District and transfer the same to the Sub Court, Theni, Theni District to be tried jointly along with the case filed by the petitioner in H.M.O.P.No.38 of 2020.

For Petitioner : Mr.M.Jothibas
For Respondent : Mr.K.NavaneethaRaja
(in Tr.C.M.P(MD)No.137 of 2020)

For Petitioner : Mr.K.NavaneethaRaja
For Respondent : Mr.M.Jothibas
(in Tr.C.M.P(MD)No.27 of 2021)

C O M M O N O R D E R

Tr.CMP(MD) No.137 of 2020 is at the instance of the wife seeking transfer of H.M.O.P No.38 of 2020, filed by the husband on the file of the Sub Court, Srivilliputhur, seeking declaration that the marriage is null and void, to be tried along with H.M.O.P.No.60



of 2020 and M.C No.12 of 2020 filed by her.

2.The husband has filed Tr.CMP(MD) No.27 of 2021, seeking transfer of HMOP No.60 of 2020 and MC No. 12 of 2020 from the file of Family Court, Srivilliputhur to the file of Sub Court, Theni.

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3.The wife is a resident of Srivilliputhur. The husband is the resident of Bodinaickanur, Theni. After some arguments, the counsel have agreed for transfer of all the proceedings to one Court, which is a neutral venue accessible by both the parties and suggested to transfer the proceedings to Sub Court, Tirumangalam. Considering the pendency of M.C.No.12 of 2020, on the file of the Family Court, Srivilliputhur, the suggestion for transfer to Sub Court, Tirumangalam could not be acceded. The Sub Court is not having jurisdiction to try and dispose of the Maintenance case filed under Section 125 of CPC.

4.Considering the overall circumstances and the convenience of both the parties, all the original petitions, namely, H.M.O.P No.38 of 2020, on the file of Sub Court, Theni, H.M.O.P No. 60 of 2020 and MC No.12 of 2020, on the file of Family Court, Srivilliputhur are transferred to the file of Family Court, Madurai, to be disposed of, in accordance with law. The respective Courts are directed to transmit the papers to the Family Court, Madurai forthwith.

5.Accordingly, these Transfer Civil Miscellaneous Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSIII)

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Sub Assistant Registrar(CS)

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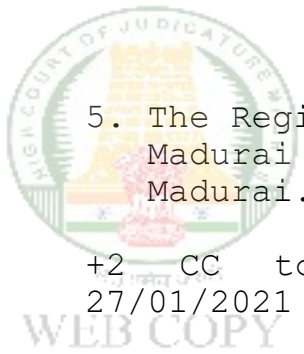
To

1.The Family Court, Srivilliputhur.

2.The Sub Court, Theni.

3.The Family Court, Madurai.

4.The Record Keeper, V.R.Section, (2C)
Madurai Bench of Madras High Court,
Madurai.



5. The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s.G.M.LAW OFFICE, Advocate (SR-2097[F] dated
27/01/2021), SR-2098

Tr.C.M.P(MD)Nos.137 of 2020 & 27 of 2021
and
C.M.P(MD) Nos.2645 of 2020 & 472 of 2021
25.01.2021

NA (CO)

KB (01.03.2021) 3P 9C