



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.146 of 2021

and

C.M.P. (MD) Nos.2868 and 2869 of 2021

WEB COPY

1.Shamim Ahamed

2.M.Jameela Begum

... Petitioners/Respondents

-vs-

S.Thajimil Banu

... Respondent/Petitioner

**PRAYER:** Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the D.V.C.No.1 of 2021 on the file of the learned Judicial Magistrate, Mudukulathur, Ramanathapuram District and transfer to the file of Family Court, Madurai to be tried along with G.W.O.P.No.824 of 2020 on the file of the Family Court, Madurai.

For Petitioners : Mr.V.Ramamurthy

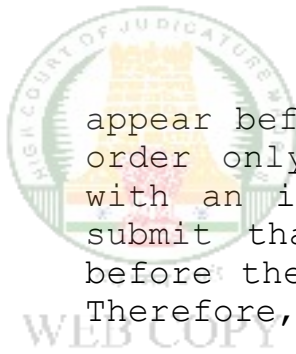
For Respondent : Mr.J.Mohamed Selvam

### **O R D E R**

The present Transfer Civil Miscellaneous Petition is filed to withdraw the D.V.C.No.1 of 2021 on the file of the learned Judicial Magistrate, Mudukulathur, Ramanathapuram District and transfer to the file of Family Court, Madurai to be tried along with G.W.O.P.No.824 of 2020 on the file of the Family Court, Madurai.

2.The learned counsel for the petitioners submitted that the first petitioner and the respondent are husband and wife. The respondent has filed G.W.O.P.No.824 of 2020 before the Family Court, Madurai, for the custody of her minor child. Suppressing the said petition, the respondent filed D.V.C.No.1 of 2021 before the learned Judicial Magistrate, Mudukulathur, Ramanathapuram District. The issues and evidence involved in both the cases are one and same and if both the cases to be tried together, no prejudice will be caused to the respondent. Further, to avoid possibility of arriving conflicting views, it is necessary to transfer the case to the file of Family Court Madurai to be tried along with G.W.O.P.No. 824 of 2020.

3. The learned counsel for the respondent would submit that the learned Judicial Magistrate directed the first petitioner to



appear before the Court along with his child and based on the said order only, the petitioners had filed the present revision only with an intension to drag on the proceedings. He would further submit that it is not necessary for the petitioners to appear before the Judicial Magistrate Court for each and every hearing. Therefore, he strongly opposes to transfer the case.

4.Considering the facts and circumstances of the case and considering the submissions made on either side, if the matter is transferred to the Family Court, Madurai, the parties would have appeared for every hearing. Therefore, in the interest of both parties, this Court is not inclined to transfer the case.

5.Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar (CS)

msa/cp

To:-

1.The Judicial Magistrate, Mudukulathur,  
Ramanathapuram District.

2.The Judge, Family Court, Madurai.

+1 CC to MR.J.MOHAMEDSELVAM, Advocate ( SR-20529[F] dated 29/06/2021 )

Order made in

**Tr.C.M.P. (MD) No.146 of 2021**  
**and C.M.P. (MD) Nos.2868 and 2869 of 2021**

Dated:

**28.06.2021**

KM(07.07.2021) 2P 4C