



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.187 of 2021

and C.M.P (MD)No.3582 of 2021

WEB COPY

V.Saravanan

... Petitioner

-vs-

B.Geetha

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the case in H.M.O.P.No.47 of 2017 pending on the file of the Subordinate Judge, Aruppukottai, Virudhunagar District to the file of Family Court, Madurai.

For Petitioner : Mr.A.Raja

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in H.M.O.P.No.47 of 2017 pending on the file of the Subordinate Judge, Aruppukottai, Virudhunagar District to the file of Family Court, Madurai.

2.The petitioner/husband has filed H.M.O.P.No.47 of 2017 before the Subordinate Court, Aruppukottai, Virudhunagar District for divorce. The respondent/wife has filed H.M.O.P.No.218 of 2019 before the Subordinate Court, Thirumangalam for restitution of conjugal rights and M.C.No.19 of 2020 has been filed before the Family Court, Madurai for interim maintenance.

3. The learned counsel for the petitioner/husband submitted that the respondent/wife has initiated two different proceedings in two different courts and the petitioner/husband has also filed another proceedings. If the cases are tried by different courts, it would lead to conflicting judgments. If all the three cases are conducted in one court, the petitioner is willing to co-operate in conducting the cases. The petitioner seeks transfer of H.M.O.P.No.47 of 2017 and H.M.O.P.No.218 of 2019 to the file of Family Court, Madurai, to be tried along with M.C.NO.19 of 2020.

4. Today, when the matter is taken up for hearing, there is no representation on behalf of the respondent either in person or through counsel.

5. This Court considered the arguments made by the learned counsel for the petitioner.



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of the case and considering the submission made by the learned counsel for the petitioner, H.M.O.P.No.47 of 2017 is withdrawn from the Sub Court, Aruppukkottai, Virudhunagar District and H.M.O.P.No. 218 of 2019 is withdrawn from the file of the Subordinate Court, Thirumangalam, and transferred to the file of the Family Court, Madurai, for disposal as per law. The Subordinate Judge, Aruppukkottai, Virudhunagar District and the Subordinate Judge, Thirumangalam, are directed to transmit the papers to the file of the Family Court, Madurai, forthwith. The Judge, Family Court, Madurai, is directed to dispose H.M.O.P.No.47 of 2017 and H.M.O.P.No.218 of 2019 along with M.C.NO.19 of 2020 on merits and in accordance with law as expeditiously as possible.

8. In fine, this petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Msa/CM

To:

- 1.The Subordinate Judge, Aruppukkottai, Virudhunagar
- 2.The Subordinate Judge, Thirumangalam
- 3The Family Court, Madurai.

Order made in
Tr.C.M.P. (MD) No.187 of 2021
and C.M.P(MD)No.3582 of 2021

Dated:

28.04.2021

GS (06.05.2021) 2P 4C