



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.341 of 2021

and

C.M.P. (MD) No.6946 of 2021

WEB COPY

K.Eswari

.. Petitioner/Respondent

-vs-

P.Veerapathiran

.. Respondent/Petitioner

Prayer :-

Petition filed under Section 24 of Civil Procedure Code to withdraw the case by the respondent in unnumbered H.M.O.P.No. of 2019 along with the I.A.No.673 of 2019 on the file of the Family Court, Madurai and transfer the same to the Family Court at Thiruppur for further trial.

For Petitioner : Mr.V.Kannan

For Respondent : Mr.M.Shakul Hameed

ORDER

The wife is the petitioner herein seeking to withdraw the case file by the respondent in unnumbered H.M.O.P.No. of 2019 along with the I.A.No.673 of 2019 on the file of the Family Court, Madurai and transfer the same to the Family Court at Thiruppur.

2.The respondent/husband had filed a petition for declaring the marriage between him and the petitioner as null and void on the ground that the petitioner herein was a mentally challenged person. Along with the said petition, the respondent had filed I.A.No.673 of 2019 to declare the petitioner's mother K.Irulayi as her natural guardian.

3.Admittedly, the petitioner is residing at Thiruppur. The petitioner, after receiving the summons in the above matter, filed the instant petition to transfer the unnumbered H.M.O.P. along with I.A.No.673 of 2019 pending on the file of the Family Court, Madurai to the Family Court at Thiruppur.

4.Heard the learned counsels for the parties.

5.The respondent has come forward with the petition to declare his marriage with the respondent which was conducted on 08.07.2019



as null and void on the ground that the petitioner is a mentally challenged person. Despite taking such a stand, the respondent has not filed the petition at Thiruppur, where the petitioner is residing, but on the contrary, has filed the same at Madurai. The petitioner has refuted the contention of the respondent herein that she suffers from a mental ailment. The learned counsel for the petitioner would inform the Court that the petitioner herein is a graduate.

6.Be that as it may, considering the allegation made and the fact that the petitioner herein is residing at Thiruppur and the proceedings are pending before the Family Court, Madurai where the presence of parties is required for every hearing, interest of justice would be served if the petition now pending on the file of the Family Court, Madurai is withdrawn and transferred to the file of of the Family Court, Thiruppur.

7.In the above circumstances, this Transfer Civil Miscellaneous petition is ordered as prayed for. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

abr

Note:-

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1.The Judge, Family Court, Madurai.

2.The Judge, Family Court, Thiruppur.

+1 CC to M/s.M. SHAKOL HAMEED, Advocate (SR-35140[F] dated 19/11/2021)

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