



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Twenty Second day of February
Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

TR CMP(MD). No.293 of 2021
And CMP(MD).6252 of 2021

Jayanthi ... Petitioner/Respondent -wife

Vs

Dharanayan ... Respondent/Petitioner- Husband

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. 398 of 2020 from the file of the Family Court, Madurai and transfer the same to the file of the Subordinate Court, Sivakasi.

ORDER:- This Transfer Civil Miscellaneous Petition coming on for orders on this day under the caption "For Clarification" and upon perusing the petition and upon hearing the arguments of M/s. S.M.Anantha Murugan, Advocate for the Petitioner, Mr.R.G.Sankar Ganesh, Advocate for the Respondent, this Court made the following order:

(Heard through Video Conferencing)

The case has been listed today under the caption "for clarification" on the order passed by this court on 1.10.2021.

2. The matter relates to a petition filed by the petitioner-wife seeking transfer of the case in HMOP No.398 of 2020 filed by the respondent-husband for dissolution of marriage from the file of the Family Court, Madurai to the file of the Subordinate Court, Sivakasi, where she had filed a petition in HMOP No.145 of 2020 for restitution of conjugal rights to be tried jointly.



3. Though it is a settled principle that convenience of the wife needs to be taken care while dealing with the prayer for transfer of cases on matrimonial disputes, in the case on hand, considering the grievance expressed by both the parties, as a via media, this court had directed for withdrawal of both the cases from the Courts where they were pending and to be transferred to the file of Sub Court, Thirumangalam, Madurai.

4. Now, the learned counsel appearing for the petitioner-wife insists for joint trial of both the cases only in the Subordinate Court, Sivakasi.

5. At this stage, it is brought to the notice of the court by the learned counsel appearing for the respondent that the trial had already commenced in the Sub Court, Thirumangalam.

6. Considering the circumstances of the case and the development that had occurred in the matter, this court is of the view that no clarification is required.

7. The parties shall co-operate to expedite the trial and conclude the same at an early date without harping on the issue of transfer of cases to suit their convenience.

Sd/-

Assistant Registrar(CS-III)

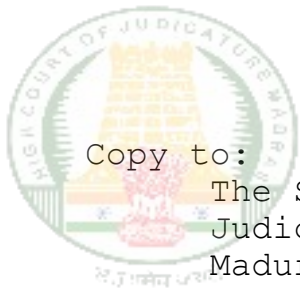
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/ /2022

Sub Assistant Registrar(CS)

To:

- 1.The Judge, Family Court, Madurai.
- 2.The Subordinate Judge, Sivakasi.
- 3.The Subordinate Judge, Virudhunagar.
- 4.The Subordinate Judge, Thirumangalam,
Madurai District.



Copy to:
The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

WEB COPY

ORDER DATED : 22/02/2022

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ORDER
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TR CMP(MD). No.293 of 2021

Giving direction and etc.
as stated within.

ss (CO)
TR(22.03.2022) 3P 6C