



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.278 of 2020

and

C.M.P(MD) No.6256 of 2020

W.Mary Subraja

... Petitioner/Respondent

-Vs-

K.Rampandiyan

... Respondent /Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw S.M.O.P No.71 of 2020, from the file of the Principal District Court, Srivilliputhur, Virudhunagar District and to transfer the same to the Family Court, Madurai to try along with the petition filed by the petitioner in M.C.No.68 of 2020, before the Family Court, Madurai.

For Petitioner : Mr.J.Lawrance

For Respondent : Mr.G.Prabhu Rajadurai

O R D E R

The petitioner/wife seeks transfer of S.M.O.P No.71 of 2020 filed by the respondent/husband, for annulment of marriage, on the file of the Principal District Court, Srivilliputhur to the Family Court, Madurai to be tried along with M.C.No.68 of 2020, filed by the wife, seeking maintenance, pending before the said Court.

2.The learned counsel for the respondent/husband would submit that he has no serious objection for transfer. At the same time, it is his grievance that the petitioner/wife is not allowing him to see his one year old minor child. Therefore, he would press for consideration of his request for visitation rights.

3. I do not think that I should interfere in the said controversy, while dealing with the transfer petition. It is for the respondent/husband to seek appropriate orders from the Family Court, before which, the proceedings are pending.



4. In view of the above, S.M.O.P No.71 of 2020 is withdrawn from the file of the Principal District Court, Srivilliputhur, and transferred to the file of the Family Court, Madurai, to be tried along with M.C.No.68 of 2020. The Principal District Court, Srivilliputhur is directed to transmit the papers to the Family Court, Madurai forthwith. It is made clear that it will be open to the respondent/husband, to seek appropriate orders for visitation rights of the child before the Family Court, Madurai. Such request, if any made will be considered by the learned Family Judge independently, at the earliest convenience.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

To

1.The Principal District Judge,
Srivilliputhur, Virudhunagar District.

2.The Judge, Family Court, Madurai.

3.The Record Keeper, V.R.Section-2 copies
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.G.PRABHU RAJADUAI, Advocate (SR-2955[F] dated 02/02/2021)

+1 CC to Mr.J.LAWRANCE, Advocate (SR-2965[F] dated 02/02/2021)

Order made in
Tr.C.M.P(MD)No.278 of 2020
and
C.M.P(MD) No.6256 of 2020
01.02.2021

KM (19.02.2021) 2P 7C