



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

WEB COPY

Tr.C.M.P. (MD) Nos.337 of 2020 and 120 of 2021

and

CMP(MD) .Nos.7487 of 2020 and 2397 of 2021

Tr.C.M.P. (MD) No.337 of 2020

P.Murugan ... Petitioner

-vs-

N.Ponmareeshwari ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition for maintenance petition in M.C.No.7 of 2020 on the file of the Family Court, Viluppuram and to transfer the same to the file of the Family Court, Madurai, H.M.O.P.No.159 of 2020.

For Petitioner : Mr.A.Uthaman

For Respondent : Mr.T.Indrachithu

Tr.C.M.P. (MD) No.120 of 2021

N.Ponmareeshwari ... Petitioner

-vs-

P.Murugan ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceedings in H.M.O.P.No.159 of 2020 on the file of the learned Family Court, Madurai and to transfer the same to the file of the learned Family Court, Viluppuram, Viluppuram District.

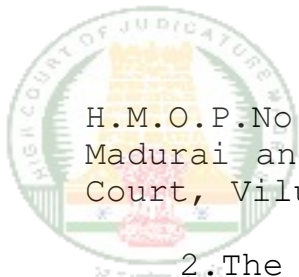
For Petitioner : Mr.T.Indrachithu

For Respondent : Mr.A.Uthaman

COMMON ORDER

Tr.C.M.P.(MD) No.337 of 2020 is filed to withdraw the petition for maintenance petition in M.C.No.7 of 2020 on the file of the Family Court, Viluppuram and to transfer the same to the file of the Family Court, Madurai, H.M.O.P.No.159 of 2020 and Tr.C.M.P.(MD)

<https://hcservices.courts.gov.in/hcservices/> No.337 of 2020 is filed to withdraw the proceedings in



H.M.O.P.No.159 of 2020 on the file of the learned Family Court, Madurai and to transfer the same to the file of the learned Family Court, Villupuram, Villupuram District.

2.The respondent/wife in Tr.C.M.P(MD) No.337 of 2020 has filed M.C.No.7 of 2020 before the file of the Family Court, Villuppuram for maintenance. The petitioner/husband in Tr.C.M.P(MD) No.120 of 2021 has filed HMOP No.159 of 2020 before the learned Family Court, Villupuram District, for divorce.

3.The learned counsel for the petitioner/husband in Tr.C.M.P. (MD) No.337 of 2020 submitted that the petitioner is working as private acting Driver and he is the sole bread-winner of the family and he has to take care of his parents and the day today needs. In such circumstances, it is difficult for the petitioner to attend the case hearings in M.C.No.7 of 2020. Therefore, he seeks transfer of the said petition to the file of the Family Court, Madurai, to be tried along with H.M.O.P.No.159 of 2020.

4. The learned counsel for the respondent/wife in Tr.C.M.P(MD) No.337 of 2020 submitted that the respondent is living with her parental home at Villupuram and her father is an aged person and she is the only person to take care of her father. The respondent has no source of income and no one available to accompany with her to travel for long distance and she is also suffering serious financial crisis and the distance between Madurai to Villupuram is nearly 300 kms. Therefore, he seeks transfer of the petition in H.M.O.P.No.159 of 2020 to the file of the Family Court, Villupuram.

5.Considering the facts and circumstances of the case and considering the submissions made by the learned counsel appearing for both sides and to avoid conflicting judgments, H.M.O.P.No.159 of 2020 is withdrawn from the Family Court, Madurai and transferred to the file of the Family Court, Villupuram, Villupuram District, for disposal as per law. The learned Judge, Family Court, Madurai, is directed to transmit the papers to the file of the Family Court, Villupuram, Villupuram District, forthwith. The Judge, Family Court, Villupuram, Villupuram District, is directed to club the proceedings in H.M.O.P.No.159 of 2020 along with M.C.No.7 of 2020 together and dispose of the same on merits and in accordance with law as expeditiously as possible.

6.The personal appearance of both parties before the Family Court, Villupuram, Villupuram District, is dispensed with, except the dates of hearing, on which, the learned Judge insisted upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the court.



7. In fine, these Transfer Civil Miscellaneous Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:-

1.The Judge, Family Court, Madurai.

2.The Judge, Family Court, Villupuram, Villupuram District.

+1 CC to M/s.A.UTHAMMAN, Advocate (SR-23049[F] dated 19/07/2021)

Tr.C.M.P. (MD) Nos.337 of 2020 and 120 of 2021
and

CMP (MD) .Nos.7487 of 2020 and 2397 of 2021
15.07.2021

SVM(CO)

LR (26.07.2021) 3P 4C