



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2022

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THE HONOURABLE MS. JUSTICE P.T. ASHA

TR.C.M.P.NOS.653 & 904 OF 2021

&

C.M.P.NOS.16313 & 20249 OF 2021

Tr.C.M.P.No.653 of 2021:

Murugashanthi

...Petitioner/
Respondent

Vs

P.Mani @ Sethuraman

... Respondent/
Petitioner

Prayer:

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.671 of 2018 pending on the file of the Family Court, Madurai and transfer the same to the Sub-Court, Ponneri, Thiruvallur District.

For Petitioner : Mr.J.Ram
for Mr.S.Sudalaikani

For Respondent : Mr.B.A.Muruganantham

Tr.C.M.P.No.904 of 2021:

P.Mani @ Sethuraman

...Petitioner/
Respondent

Vs

Muruga Shanthi

... Respondent/
Petitioner



Prayer:

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the case in M.C.No.3 of 2020 from the file of the learned Judicial Magistrate No.II, Ponneri and transfer the same to the file of the Hon'ble Family Court, Madurai for disposal of the same along with HMOP 671/2018.

For Petitioner : Mr.B.A.Muruganantham

For Respondent : Mr.J.Ram
for Mr.S.Sudalaikani

COMMON ORDER

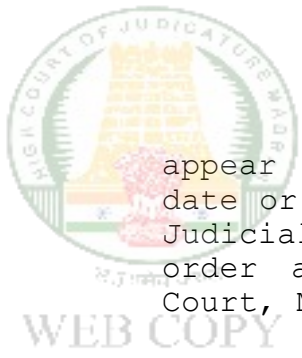
The wife and husband have filed the Transfer petitions before this Court. The wife has filed Tr.C.M.P.No.653 of 2021 seeking transfer of H.M.O.P.No.671 of 2018 filed by the husband on the file of the Family Court, Madurai for divorce to the file of the Sub Court, Ponneri.

2. The Transfer Civil Miscellaneous Petition in Tr.C.M.P.No.904 of 2021 has been filed by the husband to transfer M.C.No.3 of 2020 on the file of the Judicial Magistrate II, Ponneri to the file of the Family Court, Madurai. The parties are referred as husband and wife for the ease of understanding.

3. Without going into the merits of both the cases, this Court has taken note of the additional documents filed by the learned counsel for the husband, which clearly shows that the husband is continuously undergoing Chemotherapy. Therefore, in these circumstances directing the husband to appear before the Judicial Magistrate II, Ponneri for all hearings would be inhuman.

4. Likewise, if his HMOP is transferred to the file of the Sub Court, Ponneri, once again would require his coming over to Ponneri for adducing evidence or for attending counselling sessions, all of which would be a strain on his debilitating health.

5. It is informed that the husband has been set ex parte by the Judicial Magistrate II, Ponneri and an application has been filed by the husband for setting aside the ex parte order. The matter is said to be posted on 27.04.2022. The husband shall



appear before the Judicial Magistrate II, Ponneri on the said date or the next adjourned date. On his appearance, the learned Judicial Magistrate II, Ponneri shall set aside the ex parte order and thereafter transfer the proceedings to the Family Court, Madurai.

6. In the result, Tr.C.M.P.No.653 of 2021 filed by the wife is dismissed. Tr.C.M.P.No.904 of 2021 filed by the husband is allowed. Consequently, connected Civil Miscellaneous Petitions are closed. No costs.

7. It is also made clear that the Family Court, Madurai shall not insist upon the presence of the wife for all the non-effective hearings but only for attending counselling sessions and for adducing evidence.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate II,
Ponneri.
2. The Family Court Judge,
Madurai.
3. The Subordinate Judge,
Ponneri.

Copy To

The Section Officer,
VR Section, High Court,
Madras.

+2ccs to Mr.S.Sudalaikani, Advocate, S.R.No.18392,18393
+2ccs to Mr.B.A.Muruganantham, Advocate, S.R.No.18012

Tr.C.M.P.Nos.653 & 904 of 2021

MG (CO)
PM/22/03/2022