



TR.C.M.P(MD).No.240 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.240 of 2022

and

C.M.P(MD).No.4117 of 2022

Palanikumar

... Petitioner

versus

Manoramani

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw the case in H.M.O.P.No.128 of 2020 on the file of the III Additional Sub Court, Madurai and transfer the same to the Principal Family Court, Chennai.

For Petitioner : Mr.P.Rajkumar Pandian

For Respondent : Mr.J.Karmega Kannan

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the case in H.M.O.P.No.128 of 2020 from the file of the



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III Additional Sub Court, Madurai, to the file of the Principal Family Court, Chennai.

2. The petitioner is the husband and the respondent is the wife. The marriage between them was solemnized on 14.11.2018, as per Hindu Rites and Customs. Due to some misunderstanding, now, they are living separately. Thereafter, the respondent/wife filed a divorce petition in H.M.O.P.No.128 of 2020 before the III Additional Sub Court, Madurai. Since the petitioner and the respondent are working at Chennai, the petitioner/husband has filed this petition seeking transfer of H.M.O.P.No.128 of 2020 from the file of the III Additional Sub Court, Madurai, to the file of the Principal Family Court, Chennai.

3. The learned counsel appearing for the petitioner submits that both the petitioner and the respondent are working as Police Constables at Greater Chennai City Police. However, by referring that the marriage took place at Madurai, the respondent/wife has filed



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H.M.O.P.No.128 of 2020 before the III Additional Sub Court, Madurai, with an intention to harass the petitioner. Therefore, the petitioner seeks transfer of H.M.O.P.No.128 of 2020 to any one of the Family Courts at Chennai.

4. The learned counsel for the respondent submits that though the divorce petition was filed in the year 2020, the petitioner/husband has not co-operated for the enquiry and has also not filed his counter affidavit in that petition. Therefore, he remained *ex parte* on 13.08.2022.

5. In reply, the learned counsel for the petitioner submits that the petitioner has also filed an application in I.A.No.272 of 2022 under Order 9 Rule 7 C.P.C. to set aside the *ex parte* order and the same is pending before the III Additional Sub Court, Madurai.

6. This Court considered the rival submissions made and also



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perused the materials available on record.

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7. Admittedly, the petitioner and the respondent are working at Chennai. However, the divorce petition in H.M.O.P.No.128 of 2020 has been filed at Madurai that the marriage between the petitioner and the respondent was solemnized at Madurai. In that case, trial could not be proceeded for want of appearance of the petitioner/husband. Since the petitioner and the respondent are working as Police Constables at Greater Chennai City Police and it will be very difficult for them to get leave often to attend the Court, this Court is inclined to allow this petition.

8. Accordingly, the Transfer Civil Miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.128 of 2020 and the application filed by the petitioner/husband in I.A.No.272 of 2022, pending on the file of the III Additional Sub Court, Madurai, are withdrawn and ordered to be transferred to the file of the Principal



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Family Court, Chennai. The learned Principal Judge, Principal Family Court, Chennai, shall allot these cases to any one of the Family Courts at Chennai, which shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

28.10.2022

Index : Yes / No

Internet: Yes / No

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To

1. The III Additional Sub Court,
Madurai.

2. The Principal Family Court,
Chennai.



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B.PUGALENDHI, J.

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