



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2022

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Tr.C.M.P (MD) .No.130 of 2022

and

C.M.P (MD) No.2495 of 2022

M.Vivekkumar

...Petitioner/Respondent

Vs.

A.Divya Bharathi

...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.119 of 2020 on the file of Sub Court, Thirumangalam and to transfer the same to Family Court, Madurai to try along with HMOP.No.141 of 2020 or to any other competent Court having jurisdiction at Madurai.

For Petitioner : Mr.R.Devaraj

O R D E R

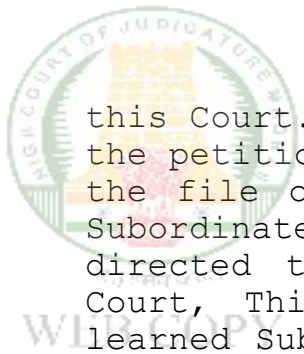
This Transfer Civil Miscellaneous Petition has been filed to withdraw the H.M.O.P.No.119 of 2020 from the file of Subordinate Court, Thirumangalam and transfer the same to the file of Family Court, Madurai to try along with HMOP.No.141 of 2020 or to any other competent Court having jurisdiction at Madurai.

2.The learned counsel for the petitioner submitted that H.M.O.P.No.141 of 2020 was filed by the petitioner/husband before the Principal Sub Court, Madurai for divorce. Immediately, the respondent/wife filed a petition in HMOP.No.119 of 2020 before the Sub Court, Thirumangalam for restitution of conjugal rights. He further submitted that the petitioner is presently working in Tiruchirapalli which is 150 kms from Thirumangalam. Therefore, it is difficult for the petitioner to travel from Tiruchirapalli to Madurai for attending two different hearing dates. Hence, he seeks transfer of case.

3.Considering the nature of relief to be granted, issuance of notice to the respondent is dispensed with.

4.I have considered the rival submissions made by the learned counsel for the petitioner and perused the materials placed before

<https://hcservices.ecourts.gov.in/hcservices/>



this Court. Since the respondent/wife is residing at Thirumangalam, the petition in HMOP.No.141 of 2020 is ordered to be withdrawn from the file of Family Court, Madurai and transferred to the file of Subordinate Court, Thirumangalam. The Family Court, Madurai, is directed to transmit the papers to the file of the Subordinate Court, Thirumangalam, forthwith. On receipt of records, the the learned Subordinate Judge, Thirumangalam, is directed to dispose of HMOP.No.141 of 2020 along with HMOP.No.119 of 2020 as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

5.In the result, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judge
The Family Court,
Madurai.

2.The Subordinate Judge,
Thirumangalam.

+1 CC to M/s.R.DEVARAJ, Advocate (SR-14470[F] dated 25/03/2022)

Tr.C.M.P (MD) .No.130 of 2022
and
C.M.P (MD) No.2495 of 2022
24.03.2022

SRK (CO)
KB (05.04.2022) 2P 4C