



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Twenty Eighth day of July Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CMP(MD) No.3802 of 2022

IN

TR CMP(MD) No.316 of 2020

MUTHU MEENA

... PETITIONER/PETITIONER

Vs

KARTHIK

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to amend the prayer in the transfer petition and to amend HMOP.No.51/2019 instead of HMOP.No.51/2019 in order dated 03-09-2021 in TR.CMP(MD)No.316/2020.

Prayer in TR CMP(MD) . 316/2020 :

To withdraw the HMOP.No.51 of 2019 on the file of the Sub Court, Arathangi and Transfer the same to the Sub Court, Devakottai.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.N.MOHAN, Advocate for the petitioner and of none appeared for the respondent either in person or through by an advocate, the court made the following order:-

The transfer civil miscellaneous petition in TR.CMP(MD)No.316 of 2020 was filed by the petitioner / wife to transfer HMOP.No.51 of 2020, from the file of Sub Court, Aranthangi to Sub Court, Devakottai. The said petition was ordered by this Court on 03.09.2021 and the HMOP was ordered to be transferred to the file of Sub Court, Devakottai.

2.Learned Counsel for the petitioner submitted that the respondent / husband filed HMOP.No.51 of 2019, however, by inadvertence, in the transfer petition, they have wrongly mentioned HMOP.No.51 of 2020, instead of HMOP.No.51 of 2019. Therefore, the petitioner has come up with this miscellaneous petition to amend the prayer.



3.He further submitted that pending the proceedings, the parties have arrived at an amicable settlement, however, they could not effect the compromise before the Sub Court, Aranthangi, since the case has already been ordered to be transferred to the Sub Court, Devakottai. The learned Subordinate Judge, Aranthangi, could neither transfer the HMOP to the Sub Court, Devakottai, since the HMOP number was not properly mentioned, nor the compromise could be recorded by him since the HMOP was already directed by this Court to be transferred. Therefore, he prayed for appropriate orders.

4.It appears that the transfer miscellaneous petition was ordered as early as on 03.09.2021 and the petitioner has now come up with this miscellaneous petition to amend the prayer. In view of the passage of time and the subsequent development of compromise said to have been arrived upon between the parties, this Court is not inclined to pass any orders to amend the prayer and accordingly, the petition in CMP(MD)No.3802 of 2022 stands dismissed.

5.In view of the aforesaid mistake, the order dated 03.09.2021 made in TR.CMP(MD)No.316 of 2020 could not be given effect to, inasmuch as it was passed with regard to HMOP.No.51 of 2020, which is not the subject matter between the parties. Since the petitioner claims that they have arrived at an amicable settlement, this Court, in order to give a quietus to the issue, grants liberty to the petitioner to file a memo of compromise before the Sub Court, Aranthangi and on filing such application, the learned Subordinate Judge shall consider the same, in accordance with law and pass appropriate orders, after ascertaining the veracity.

sd/-

28/07/2022

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/08/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE SUBORDINATE JUDGE,
ARANTHANGI.

ORDER

IN

CMP(MD) No.3802 of 2022

IN

TR CMP(MD) No.316 of 2020

Date :28/07/2022

gk

USK/PN/SAR-III/08.08.2022/2P/2C

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