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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM

THE HON'BLE MRS.JUSTICE S.ANANTHI

T.R.C.M.P(MD)No.437 of 2021

and

C.M.P(MD)No.8482 of 2021

P.Nithyadevi

...Petitioner/Respondent

Vs.

M.Ponpandian

...Respondent/Petitioner

PRAYER: The petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in H.M.O.P.No.169 of 2021 pending on the file of the Sub-Court, Sivakasi and transfer the same, to be tried along with the case in H.M.O.P.No.774 of 2021 pending on the file of the learned Family Court, Madurai.

For Petitioner : Mr.B.Jameel Arasu
For Respondent : No Appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw H.M.O.P.No.169 of 2021 from the file of Subordinate Court, Sivakasi and transfer the same to the file of Family Court, Madurai to try along with H.M.O.P.No.774 of 2021.

2.The learned counsel for the petitioner submitted that H.M.O.P.No.169 of 2021 was filed by the respondent/husband, for dissolution of marriage before the Subordinate Court, Sivakasi and H.M.O.P.No.774 of 2021 was filed by the petitioner/wife, for restitution of conjugal rights before the Family Court, Madurai. Since the petitioner is residing at Madurai along with two years old child and connected H.M.O.P.No.774 of 2021 is also pending before the Family Court, Madurai, she cannot go to Sivakasi to attend the Court hearings. Hence, she seeks to transfer the case.

3.Considering the facts and circumstances of the case and also considering the submission made the learned counsel for the petitioner, H.M.O.P.No.169 of 2021 is ordered to be withdrawn from the file of Subordinate Court, Sivakasi and transferred to the file of Family Court, Madurai. The Subordinate Court, Sivakasi, is directed to transmit the papers to the file of the Family Court, Madurai, forthwith. On receipt of records, the the learned Judge, Family Court, Madurai, is directed to dispose of H.M.O.P.No.169 of 2021 along with H.M.O.P.No.774 of 2021.



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

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

vsd

To

1.The Subordinate Judge,
Sivakasi

2.The Family Judge,
Madurai.

Order made in
T.R.C.M.P(MD)No.437 of 2021
and

C.M.P(MD)No.8482 of 2021

Dated:

05.04.2022

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