



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) Nos.455 and 456 of 2021

and

C.M.P. (MD) Nos.8813 and 8824 of 2020

WEB COPY

Tr.C.M.P. (MD) No.455 of 2021

K.Fathima Noori ... Petitioner/Plaintiff

-vs-

1.M.Mohamed Gani
2.Mohamed Meeran
3.Samsunisha

... Respondents/Defendants

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw the O.S.No.65 of 2018 on the file of the District Munsif Court, Thiruppathur, Sivagangai District and transfer the same to the file of the Family Court, Sivagangai.

For Petitioner	:	Mr.C.Senthil Murugan
For R1	:	Mr.S.Sathya Chidambaram
For R2 and R3	:	No appearance

Tr.C.M.P. (MD) No.456 of 2021

K.Fathima Noori ... Petitioner/Defendant/Wife

-vs-

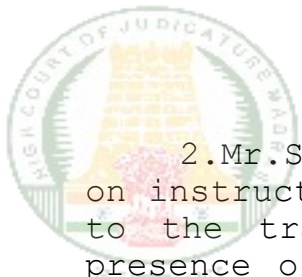
M.Mohamed Gani ... Respondent/Plaintiff/Husband

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw the O.S.No.42 of 2021 on the file of the Family Court, Thiruchirappalli and transfer the same to the file of the Family Court, Sivagangai.

For Petitioner	:	Mr.C.Senthil Murugan
For Respondent	:	Mr.S.Sathya Chidambaram

COMMON ORDER

TR.C.M.P(MD) No.455 of 2021 is filed seeking to transfer the suit in O.S.No.65 of 2018 pending on the file of the District Munsif Court, Thiruppathur, Sivagangai District to the file of the Family Court, Sivagangai. TR.C.M.P(MD) No.456 of 2021 is filed seeking to transfer the suit in O.S.No.42 of 2021 pending on the file of the Family Court, Thiruchirappalli, to the file of the Family Court, Sivagangai.



2.Mr.S.Sathya Chidambaram, learned counsel for the respondents, on instructions, would submit that the respondents have no objection to the transfer being ordered. However, he seeks to have the presence of the respondents before the trial Court dispensed with, since the matters are transferred to the Family Court, Sivagangai, where the presence of the parties for every herein is mandatory.

3.Recording the above submission, both the Transfer Civil Miscellaneous Petitions are allowed and the suits in O.S.No.65 of 2018 pending on the file of the District Munsif Court, Thiruppathur, Sivagangai District and O.S.No.42 of 2021 pending on the file of the Family Court, Thiruchirappalli, are withdrawn and transferred to the file of the Family Court, Sivagangai. It is made clear that the learned Judge, Family Court, Madurai, shall not insist upon the presence of the respondent for every hearing, except for adducing evidence. The learned District Munsif, Thiruppathur, Sivagangai and the learned Judge, Family Court, Thiruchirappalli, shall ensure immediate transmission of all the papers to the Family Court, Sivagangai. Considering the fact that the proceedings have been pending since the year 2018, the learned Judge, Family Court, Sivagangai, is directed to dispose of the suit in O.S.Nos.65 of 2018 and 42 of 2021 on or before 03.07.2022. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp

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 District Munsif,
Thiruppathur,
Sivagangai District.

2.The Judge,
Family Court,
Sivagangai.

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



3.The Judge,
Family Court,
Thiruchirappalli.

+1cc to Mr.C.Senthil Murugan,Advocate, SR.No.856 DATED:07.01.2022

WEB COPY

Tr.C.M.P. (MD) Nos.455 and 456 of 2021
and
C.M.P. (MD) Nos.8813 and 8824 of 2021
Dated: 07.01.2022

nsn(CO)
GC(09.02.2022) 3P 5C