



WEB COPY

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) No.562 of 2021

and

C.M.P. (MD) No.10098 of 2021

S.Krishnaveni ... Petitioner/Respondent

-vs-

Sankar Raj ... Respondent/Petitioner

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw the case in HMOP.No.223 of 2021 on the file of the learned Sub-Court, Thirumangalam, Madurai District and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.D.Sasikumar
For Respondent : Mr.J.Bharathan

ORDER

The wife has invoked the jurisdiction of this Court under Section 24 of the Code of Civil Procedure to transfer HMOP No.233 of 2021 filed by the respondent/husband on the file of the Sub Court, Tirunmangalm to the file of the Family Court at Madurai,

2.The petition has been filed primarily on the ground that the Sub Court, Tirunmangalam, lacks jurisdiction, since the corporation limits have been extended and Thirunagar, now falls within the Madurai Corporation, which is the residence of both the petitioner and the respondent. Therefore, Thirunagar would come within the jurisdiction of Family Court at Madurai.

3.The learned counsel appearing for the respondent/husband fairly concedes the point and would only request the Court to consider dispensing with the presence of the respondent for every hearing as a matter has now been transferred to the Family Court, where the presence of the party is required for every hearing.

4.In the light of the above discussions, the Transfer Civil Miscellaneous Petition is allowed and the petition in HMOP No.223 of 2021 pending on the file of the Sub Court, Thirumangalam, is transferred to the file of the Family Court at Madurai. The presence of the respondent for all hearings is dispensed with, except for conciliation and for giving evidence and a direction is also given to the learned Judge, Family Court, Madurai to consider



video-conferencing as the respondent is living and employed abroad. The learned Judge is also directed to conduct mediation before taking up the HMOP for hearing on merits. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-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 Subordinate Judge,
Thirumangalam,
Madurai District

2.The Judge,
Family Court,
Madurai.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-854[F] dated 07/01/2022)
Tr.C.M.P. (MD) No.562 of 2021
and
C.M.P. (MD) No.10098 of 2021
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KMV(CO)
GC(09.02.2022) 2P 4C