



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P.(MD) Nos.583 to 585 of 2021

and

C.M.P.(MD) Nos.10524, 10525 & 10527 of 2021

Tr.C.M.P.(MD) No.583 of 2021 :-

Lakshmipriya .. Petitioner/Petitioner

-vs-

Manikandan .. Respondent/Respondent

Prayer :- Petition filed under Section 24 Civil Procedure Code to withdraw and transfer the case in H.M.O.P.No.646 of 2020 on the file of the Family Court, Madurai, Madurai District to the Family Court at Chengalpattu, Kancheepuram District.

Tr.C.M.P.(MD) No.584 of 2021 :-

- 1.Lakshmipriya
- 2.Minor M.Pughal Bharathi
- 3.Minor Dhanya Poorani

[Minor petitioners 2 and 3 are represented
through their mother the 1st petitioner)

.. Petitioners/Petitioners

-vs-

Manikandan .. Respondent/Respondent

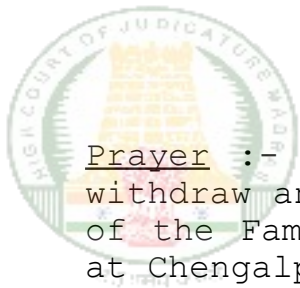
Prayer :- Petition filed under Section 24 Civil Procedure Code to withdraw and transfer the case in M.C.No.128 of 2021 on the file of the Family Court, Madurai, Madurai District to the Family Court at Chengalpattu, Kancheepuram District.

Tr.C.M.P.(MD) No.585 of 2021 :-

Lakshmipriya .. Petitioner/Respondent

-vs-

Manikandan .. Respondent/Petitioner



Prayer :- Petition filed under Section 24 Civil Procedure Code to withdraw and transfer the case in H.M.O.P.No.780 of 2020 on the file of the Family Court, Madurai, Madurai District to the Family Court at Chengalpattu, Kancheepuram District.

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For Petitioners : Mr.A.Prasanna Rajadurai
(In all Cases)

For Respondents : Mr.A.B.Prabhakar
(In all Cases)

COMMON ORDER

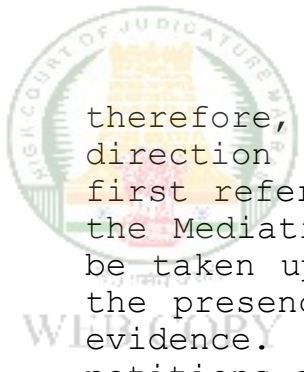
These petitions have been filed seeking to transfer the following proceedings from the file of the Family Court, Madurai to the Family Court, Chengalpattu:-

- (i) H.M.O.P.No.646 of 2020;
- (ii) M.C.No.128 of 2021; and
- (iii) H.M.O.P.No.780 of 2020

2. The only ground for seeking the transfer is that the petitioner/wife is now staying with her parents at Navalur in Kancheepuram District along with her minor children and since the matters are now pending before the Family Court, Madurai, she would have to travel to Madurai for every hearing. Earlier, when the petitioner/wife was residing at Madurai, the respondent had moved a petition in Tr.O.P.No.164 of 2020 to transfer M.C.No.12 of 2020 filed by the petitioner to the Family Court, Madurai, which was later withdrawn, transferred and renumbered as M.C.No.128 of 2021 and all these three proceedings are now pending on the file of the Family Court, Madurai. Therefore, taking in to account the inconvenience, that is caused to the petitioner/wife and also taking into account her contention that the respondent/husband is not supporting her or her children financially, this Court is inclined to allow these petitions. This Court has also taken note of the fact that the two children are now under the care and custody of the petitioner/wife presently studying at Vellammal Vidyalaya New-Get School, Sholinganallur. Therefore, in the interest of justice, these petitions are allowed and the following petitions pending on the file of the Family Court, Madurai, Madurai District are withdrawn and transferred to the Family Court, Chengalpattu, Kancheepuram District:-

- (i) H.M.O.P.No.646 of 2020;
- (ii) M.C.No.128 of 2021; and
- (iii) H.M.O.P.No.780 of 2020

3. Learned counsel for the respondent/husband would submit that there is a chance of parties arriving at a settlement and



therefore, parties should be referred to Mediation. Therefore, a direction is issued to the learned Family Judge, Chengalpattu to first refer both parties for Mediation and only after conclusion of the Mediation proceedings, the enquiry in the main petitions shall be taken up. Once the enquiry in the main petitions is commenced, the presence of the respondent shall be insisted only for adducing evidence. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

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,
Family Court,Madurai.
- 2.The Judge, Family Court,
Chengalpattu,
Kancheepuram District.

+1 CC to M/s.A.PRASANNARAJADURAI, Advocate (SR-3781[F] dated 02/02/2022)

+3 CC to M/s.A.B.PRABHAKAR, Advocate (SR-4266,4265,4267[F] dated 04/02/2022)

Tr.C.M.P.(MD) Nos.583 to 585 of 2021

Dated: 02.02.2022

RK(17/02/2022) 3P 7C