



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.595 of 2021
and
C.M.P. (MD) No.10651 of 2021

P.Kalaiyarasi ... Petitioner/ Respondent
-vs-
R.Ravikumar ... Respondent / Petitioner

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw the H.M.O.P.No.94 of 2020 on the file of Subordinate Judge, Manaparai and transfer to Family Court, Madurai.

For Petitioner : Ms.M.Parameswari
For Respondent : Mr.J.Imrankhan

ORDER

The petitioner/wife has filed the transfer petition seeking transfer of the petition for divorce filed by the respondent/husband before the Sub Court, Manaparai to the Family Court, Madurai.

2.This petition is opposed by the respondent on the ground that the respondent who is an advocate has his practice at Trichy and he is also likely physically challenged. Therefore, it would be very difficult for him to appear before the Family Court at Madurai for every hearing.

3.The learned counsel for the respondent would submit that the respondent is now residing at Trichy and therefore, the petition seeking transfer would lead to disadvantage of the respondent.

4.Heard the learned counsel appearing on either side and perused the records.

5.In the petition in HMOP No.94 of 2020, the respondent has given his address as Door No.7/1/46, Kallar Street, Sholavandan, which is within the district at Madurai. This address appears to be the permanent address of the respondent. It is also informed by the learned counsel appearing for the petitioner that the respondent is practicing in Madurai. In fact, even in the petition in H.M.O.P.No.94 of 2020 the petitioner has stated as follows:-



"The petitioner is a practicing lawyer at Madurai and he is differently abled person"

6. Therefore, it is clear that the respondent is residing and practicing at Madurai and has deliberately filed the petition before the Sub Court at Manaparai. That apart, the wife has now filed a petition for restitution of conjugal rights in HMOP No.941 of 2021 on the file of the Family Court, Madurai.

7. In the above circumstances, the Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No. 94 of 2020 on the file of the Sub Court, Manaparai is withdrawn and transferred to the Family Court at Madurai. No costs. Consequently, connected miscellaneous petition is closed.

8. The learned counsel for the respondent had submitted that steps can be taken for mediation between the parties.

9. Considering the request, the learned Judge, Family Court, Madurai, is directed to first attempt mediation between the parties and if it fails, then proceed with the hearing of HMOP.

Sd/-

Assistant Registrar (AS)

// 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,
Manaparai, Trichirappalli District.

2. The Judge, Family Court, Madurai.

+1 CC to M/s.J.IMRAN KHAN, Advocate (SR-12[F] dated 03/01/2022)

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RD(03.02.2022) 2P 4C