



TR.C.M.P(MD)No.710 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD)No.710 of 2022

and

C.M.P(MD)No.11319 of 2022

Bharathidassan

... Petitioner

Vs

Susmitha

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw HMOP.No.46 of 2022 pending on the file of the Sub Court, Thirumangalam Court at Madurai District and transfer to the Court of Family Court Judge at Madurai.

For Petitioner : Mr.V.Jeyarani

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the case in HMOP.No.46 of 2022 from Sub Court, Thirumangalam to Family Court, Madurai.

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2.The learned Counsel for the petitioner submits that the marriage between the petitioner and the respondent was solemnized on 01.12.2019. Due to misunderstanding between them the wife has left the matrimonial home. Therefore, the petitioner has filed a petition before Sub Court, Thirumangalam in HMOP.No.46 of 2022 seeking divorce, which is now sought to be transferred to the Family Court, Madurai, before which, the wife has filed a petition in HMOP.No.362 of 2022 seeking restitution of conjugal rights.

3.The petitioner has filed a petition before Sub Court, Thirumangalam, seeking divorce. The respondent/ wife has filed a petition before the Family Court, Madurai seeking restitution of conjugal rights. This transfer civil miscellaneous petition is filed on the ground that since both cases are proceeded simultaneously, they find it difficult to attend the courts.



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4.Considering the plea of the petitioner and also in order to avoid any conflicting orders by different courts, this court is inclined to allow this petition. Considering the nature of the relief granted, notice to the respondent is dispensed with.

5.Accordingly, this transfer civil miscellaneous petition stands allowed with the following directions:

(i)The case in HMOP.No.46 of 2022 on the file of the Sub Court, Thirumangalam is transferred to the Family Court, Madurai.

(ii)The learned Sub Judge, Thirumangalam is directed to send the above case records within a period of fifteen days from the date of receipt of a copy of this order to the learned Judge, Family Court, Madurai, who in turn, on receipt of the case, shall try the same along with HMOPNo.362 of 2022 and dispose of as expeditiously as possible. No costs.



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Consequently, connected miscellaneous petition
WEB COPY stands closed.

25.11.2022

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To

- 1.The Judge,
Sub Court,
Thirumangalam.
- 2.The Judge,
Family Court,
Madurai.



WEB COPY



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B. PUGALENDHI , J.

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