



Tr.C.M.P.(MD) No.33 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.33 of 2023

and

C.M.P(MD)No.667 of 2023

Thangamari

... Petitioner/Respondent

-VS-

Subburaj

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw and transfer the H.M.O.P.No.181 of 2022 pending on the file of the learned Subordinate Judge, Ambasamudram to the learned Family Court, Madurai.

For Petitioner : Mr.S.Srikanth

For Respondent : Mr.M.Gangatharan



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ORDER

The petitioner has filed the present Transfer Civil Miscellaneous Petition to withdraw and transfer the H.M.O.P.No.181 of 2022 pending on the file of the Subordinate Court, Ambasamudram to the Family Court, Madurai.

2.The learned counsel appearing for the petitioner would submit that the petitioner/wife has filed M.C.No.81 of 2021 for maintenance before the Family Court, Madurai. It is submitted that the respondent himself has filed G.W.O.P.No. 328 of 2022 before the Family Court, Madurai. That apart, it is submitted that the petitioner has also initiated the proceedings under the provision of the Protection of Women from Domestic Violence Act, 2005, before the Additional Mahila Court, Madurai.

3.It is submitted by the petitioner/wife that she is undertaking the care and custody of the minor child aged about 4 years. Though the petitioner is employed in IT Company at Chennai, post COVID-19 she is working from home. Hence, it may not be possible for the petitioner to transfer in connection with the case to



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the Sub-Court, Ambasamuthiram in connection with H.M.O.P.No.181 of 2022. Further submits that there is a scope for reconciliation between the parties. It is further submitted that the respondent is residing in Tirunelveli and therefore, the respondent need not be directed to Madurai, merely because, the petitioner is staying in Madurai.

4.I have considered the arguments advanced by the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5.The fact remains that two other proceedings are pending before the Family Court, Madurai, one at the bequest of the petitioner and another one is at the bequest of the respondent himself.

6.Considering the above, this Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.181 of 2022 pending on the file of the the Sub-Court, Ambasamuthiram, is withdrawn and ordered to be transferred to the Family Court, Maduri, to be tried along with M.C.No.81 of 2021 and G.W.O.P.No.328 of 2022. The Family Court, Madurai shall endeavour for mediation between the



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parties, as the learned counsel for the respondent/husband submits that the respondent is ready to reconcile the difference with the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

28.03.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To:

- 1.The Sub-Court,
Ambasamuthiram.
- 2.The Family Court,
Madurai.



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C.SARAVANAN, J.

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Order made in
Tr.C.M.P.(MD) No.33 of 2023
and
C.M.P(MD)No.667 of 2023

Dated:

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