



Tr.C.M.P(MD)No.113 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.03.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Tr.C.M.P(MD)No.113 of 2023

and

C.M.P(MD)No.2574 of 2023

PR.Nanddha Sethupathi

... Petitioner/Petitioner

Vs.

S.Narmadha

...Respondent/ Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the petition in H.M.O.P.No. 101 of 2021 on the file of the learned Sub Court, Devakottai and transfer the same to the some other Family Court.

For Petitioner : Mr.S.Mohamed Azharudeen Sharof

ORDER

The present transfer civil miscellaneous petition has been filed by the husband seeking to transfer H.M.O.P.No.101 of 2021 pending on the



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file of the Sub Court, Devakottai to some other Family Court on the ground that the wife's father was former Government Pleader of the said Court and he is influencing the Court.

2. Even as per the admitted case of the petitioner, both the petitioner and wife are residing in Singapore. The wife has filed I.A.No.2 of 2021 on 02.11.2021 seeking interim maintenance. In the said application, since the petitioner has not filed his counter, he has been set *ex parte*. The present transfer civil miscellaneous petition has been filed on the ground that the learned Judge has predetermined the said case and when the wife has not filed the counter in the main H.M.O.P, the husband should not have been set *ex parte* in the maintenance application. There are no merits in the said allegation and there is no prohibition for the wife to file an application seeking interim maintenance even before filing the counter in the H.M.O.P. In view of the fact that the petitioner had not filed his counter and assets and liability statement, naturally the learned Judge will be constrained to set him *ex parte*. This order of the learned Subordinate Judge, Devakottai cannot be construed to be biased or predetermined.



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3. I do not find any merits in the transfer civil miscellaneous petition. Hence, this Transfer Civil Miscellaneous Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

02.03.2023

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

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To

- 1.The Sub Court,
Devakottai.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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