



Tr.C.M.P(MD)No.117 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.117 of 2023

and

C.M.P(MD)No.2611 of 2023

Suresh Kumar

...Petitioner/Respondent

Vs.

Nagarani

...Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the petition for restitution of conjugal rights in H.M.O.P.No.192 of 2022 on the file of the Subordinate Court, Aruppukkottai and to transfer the same to the file of the Family Court, Madurai to be tried along with the divorce petition filed by the petitioner.

For Petitioner : Mr.J.Barathan

For Respondent : Mr.V.Sasi Kumar



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ORDER

The present transfer civil miscellaneous petition has been filed to transfer H.M.O.P.No.192 of 2022 on the file of the Subordinate Court, Aruppukkottai to the file of the Family Court, Madurai, to be tried along with the divorce petition filed by the petitioner in H.M.O.P.No.163 of 2022.

2. The petitioner and the respondent are employed as school teachers. The petitioner has also filed H.M.O.P.No.163 of 2022 before the Subordinate Court, Thirumangalam to dissolve the marriage solemnised between the petitioner and the respondent. The respondent in turn has filed H.M.O.P.No.192 of 2022 before the Subordinate Court, Aruppukkottai for restitution of conjugal rights.

3. The respondent had earlier filed Tr.C.M.P.(MD)No.675 of 2022, which came to be ordered on 10.01.2023 by directing the transfer of H.M.O.P.No.163 of 2022 before the Family Court, Madurai. Therefore, the petitioner has filed the present transfer civil miscellaneous petition to transfer H.M.O.P.No.192 of 2022 pending on the file of the Subordinate



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Court, Aruppukottai to the file of the Family Court, Madurai and tried along with H.M.O.P.No.163 of 2022, which is said to be pending before the Family Court, Madurai.

4. The learned counsel for the petitioner submits that H.M.O.P.No. 163 of 2022 is yet to be re-numbered and taken up for hearing. He further submitted that both the cases will have to be disposed of together as otherwise the parties may be come to different Courts on different dates.

5. The learned counsel for the respondent on the other hand submits that the order dated 10.01.2023 was passed in Tr.C.M.P(MD)No. 675 of 2022 as the respondent was working in Sivagangai and now he has been transferred to Muthaneri, Narikudi, Virudhunagar District. Therefore, he has been advised to file a revision petition.

6. Balancing the interest of the parties, the Court is inclined to allow the present Transfer Civil Miscellaneous Petition by transferring H.M.O.P.No.192 of 2022 pending on the file of the Subordinate Court, Aruppukottai to the file of the Family Court, Madurai and to be tried along with H.M.O.P.No.163 of 2022 on the file of the Family Court,



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Madurai. The personal appearance of both the parties stands dispensed with. However, as and when the Court directs that the petitioner and respondent to appear before the Court, they shall appear. No costs. Consequently, connected miscellaneous petition is closed.

06.06.2023

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

- 1.The Subordinate Court,
Aruppukottai.
- 2.The Family Court,
Madurai
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN ,J.

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