



*Tr.C.M.P(MD)No.154 of 2023*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2023**

CORAM

**THE HON'BLE MR.JUSTICE C.SARAVANAN**

**Tr.C.M.P(MD)No.154 of 2023**

**and**

**C.M.P(MD)No.3447 of 2023**

Nickita Ananth

...Petitioner/  
Respondent

Vs.

Krishnaraj

...Respondent/  
Petitioner

**PRAYER :** Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the H.M.O.P.No.187 of 2022 pending before learned Subordinate Judge, Bhavani and transfer the same to the learned Family Judge, Madurai.

For Petitioner : Mr.T.Sivakumar

For Respondent : Mr.N.Mariappan

**ORDER**

The present transfer civil miscellaneous petition has been filed to transfer H.M.O.P.No.187 of 2022 from the file of the learned



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Subordinate Judge, Bhavani to the file of the learned Family Judge,  
Madurai.

2. The petitioner has filed S.M.O.P.No.137 of 2023 for restitution of conjugal rights before the Family Court, Madurai. The petitioner has also filed M.C.No.19 of 2023 for interim maintenance. On the other hand, the respondent has filed H.M.O.P.No.187 of 2022 before the Sub Court, Bhavani to dissolve the marriage.

3. The learned counsel for the petitioner submits that the marriage was solemnised under the auspicious of Special Marriage Act. It is submitted that the petitioner is residing in Madurai and depend on her parents and she has also minor child to take care of her.

4. The learned counsel for the respondent on the other hand submits that CSR No.90 of 2022 was also generated pursuant to the complaint and thereafter parties live together for some time and they separated again. It is submitted that the respondent is partially handicapped and therefore, it may not be feasible for the respondent to travel to the Family Court, Madurai to attend the routine hearing.



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

6. There are already two other proceedings at the behest of the petitioner in S.M.O.P.No.137 of 2023 and M.C.No.19 of 2023 before the Family Court, Madurai for restitution of conjugal rights and for interim maintenance respectively. The respondent will be required to attend the proceedings in S.M.O.P.No.137 of 2023. The fact remains that the petitioner is unemployed and dependant on her parents. The respondent has also not denied the same.

7. Considering the above, I am inclined to allow the present Transfer Civil Miscellaneous Petition. Thus, the present Transfer Civil Miscellaneous Petition stands allowed by transferring H.M.O.P.No.187 of 2022 pending on the file of the Sub Court, Bhavani to the Family Court, Madurai and tried along with the S.M.O.P.No.137 of 2023 and M.C.No.19 of 2023 pending on the file of the Family Court, Madurai. In case, H.M.O.P.No.187 of 2022 has been filed under the provisions of the Hindu Marriage Act, it may be allowed to amend S.M.O.P.No.137 of



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2023 under the provisions of the Special Marriage Act. The Family Court, Madurai shall endeavour to dispose of all the three proceedings as expeditiously as possible preferably within a period of 15 months from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

**25.04.2023**

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

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To

- 1.The learned Subordinate Judge,  
Bhavani.
- 2.The learned Family Judge,  
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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