



Tr.C.M.P(MD)No.181 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.03.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.181 of 2023

and

C.M.P(MD)No.3976 of 2023

S.Ganeshkumar

... Petitioner/
Petitioner

Vs.

K.M.Malini

... Respondent/
Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the case in H.M.O.P No.89 of 2017 on the file of the Hon'ble III Additional Sub Court, Madurai and to transfer the same to the file of the Learned Family Court, Madurai to be tried along with the H.M.O.P No.1016 of 2018.

For Petitioner : Mr.T.Venkatesan
For M/s.Right Law Associates

ORDER

The present transfer civil miscellaneous petition has been filed to transfer H.M.O.P No.89 of 2017 on the file of the III Additional Sub Court, Madurai to the file of the Learned Family Court, Madurai and tried along with H.M.O.P No.1016 of 2018.



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2. The petitioner is the petitioner in H.M.O.P.No.89 of 2017, which is pending before the III Additional Sub Court, Madurai. The said H.M.O.P has been filed by the petitioner earlier before the Sub Court, Tambaram in H.M.O.P.No.522 of 2015. It was directed to be transferred to the III Additional Sub Court, Madurai and re-numbered as H.M.O.P.No.89 of 2017.

3. The respondent, on the other hand, initiated proceedings to dissolve the marriage between them in H.M.O.P.No.1016 of 2018, which is pending before the Family Court, Madurai.

4. The learned counsel for the petitioner submits that H.M.O.P.No. 89 of 2017 is at the stage of enquiry whereas H.M.O.P.No.1016 of 2018 is at the stage of filing counter. The learned counsel for the petitioner further submits that no prejudice will be caused if the H.M.O.P.No.89 of 2017 filed by the petitioner before the III Additional Sub Court, Madurai is transferred to the Family Court, Madurai and tried along with H.M.O.P.No.1016 of 2018.



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5. Being satisfied with the reasons given in the affidavit filed in support of the petition, the Court is inclined to transfer H.M.O.P No.89 of 2017 on the file of the III Additional Sub Court, Madurai to the file of the Learned Family Court, Madurai and tried along with H.M.O.P No. 1016 of 2018.

6. The present Transfer Civil Miscellaneous Petition stands allowed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

29.03.2023

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

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To

- 1.The III Additional Sub Court,
Madurai.
- 2.The Learned 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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