



TR.C.M.P.(MD) No.167 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

TR.C.M.P.(MD) No.167 of 2023
and **C.M.P.(MD) No.3644 of 2023**

Uma

... Petitioner

Vs.

Gopal @ Gopalakrishnan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the H.M.O.P.No.106 of 2021 on the file of the Family Court, Ramanathapuram and transfer the same to Subordinate Court, Mudukulathur with direction to conduct the joint trial along with H.M.O.P.No.82 of 2021.

For Petitioner : No appearance
For Respondent : Mr.T.Veerakumar

ORDER

This Transfer Civil Miscellaneous Petition has been filed to transfer H.M.O.P.No.106 of 2021 from the Family Court, Ramanathapuram to Subordinate Court, Mudukulathur for being tried along with H.M.O.P.No. 82 of 2021 filed by the petitioner.



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2. Today when case was called upon in the forenoon, there was a request to pass over. However, when case is called upon in the afternoon, there is no representation on behalf of the petitioner. The learned counsel for the respondent is present.

3. In the affidavit filed in support of the present Transfer Civil Miscellaneous Petition, the petitioner has stated as follows:-

4. In order to escape criminal action from me, the respondent cunningly filed an application for divorce in H.M.O.P.No.106 of 2021 on the file of the Hon'ble Family Court, Ramanathapuram leveling allegations that, I am not leading moral life with him and suspected premarital pregnancy. For each and every hearing, I have to attend by travelling more than 90 KM along with my parents and my minor daughter since we are very orthodox Hindu family. Further I have no sufficient and independent income to meet out the expenses for the same. Since I am not able to maintain myself and minor daughter and the Respondent deserted us and failed to maintain us. I have no monitory support from anybody. Since I and my minor son are depending upon my parents. Being the lady I am also become very tried and tedious due to the long journey and travel to attend the Hon'ble Family Court Ramanathapuram which 90 K.M. away from my village.

5. In the interest of justice, the proceedings in H.M.O.P.No.106 of 2021 may be withdrawn from the file of the Hon'ble Family Court, Ramanathapuram and transferred the same for trial and disposal to the file of the



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Subordinate Judge, Mudukulathur with a direction to conduct joint trial along with H.M.O.P.No.82 of 2021 pending disposal in the court of the Subordinate Judge, Mudukulathur. In order to avoid multicity of proceedings and diversity of judgments by different courts of law, the original petition in H.M.O.P.No.106 of 2021 on the file of the Hon'ble Family Court, Ramanathapuram has to be transferred. It will be convenient for the learned Judge to given findings about the disputed question. If the transfer is not ordered, it will create multicity of proceedings and difference of opinions.

4. Being satisfied with the above reasons, I am inclined to allow this Transfer Civil Miscellaneous Petition. H.M.O.P.No.106 of 2021 filed by the respondent before the Family Court, Ramanathapuram is directed to be transferred to the Subordinate Court, Mudukulathur for being tried along with H.M.O.P.No.82 of 2021 filed by the petitioner.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No cost. Consequently, connected Miscellaneous Petition is closed.

12.06.2023

NCC : Yes / No
Internet: Yes/No
Index: Yes/ No
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C.SARAVANAN, J.

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To

- 1.The Family Court,
Ramanathapuram.
- 2.The Subordinate Court,
Mudukulathur.

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