



Tr.C.M.P(MD).No.387 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2023

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.387 of 2023

and

C.M.P(MD)No.8193 of 2023

Sampath @ Sampathkumar

: Petitioner/Respondent

Vs.

Manjula @ Sumathy

: Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in O.S.No.2 of 2021 on the file of the Family Court, Karur and transfer the same to the file of the Family Court, Trichy or any other Court.

For Petitioner : Mr.S.Sukumar

For Respondent : Mr.K.Arunraj

ORDER

The Transfer Civil Miscellaneous Petition has been filed to seeking orders to transfer the case in O.S.No.2 of 2021 on the file of the on the file of the Family Court, Karur to the file of the Family Court, Trichy or any other Court.



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2. It is not in dispute that the divorce petition in H.M.O.P.No.259 of 2018, has been filed by the respondent, whereas the petitioner has filed a petition in H.M.O.P.No.6 of 2022 for restitution of conjugal rights and the petitioner has also filed a suit in O.S.No.2 of 2021 and all the above cases are pending on the file of the Family Court, Karur.

3. The learned counsel for the petitioner would submit that he has filed a memo for conducting joint trial of the above three cases, but joint trial was ordered only with respect to the HMOPs. He would further submit that the learned Judge, Family Court, without giving proper opportunities has proceeded with the trial and passed common order.

4. No doubt, the petitioner has raised some allegations against the learned Judge of the Family Court, for which, the learned predecessor Judge has already called for an explanation from the concerned Court. But on considering the allegations levelled and the explanation submitted, I am of the view that the allegations against the learned Judge are without any basis and their only intention was to drag on the proceedings.



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5. Whatever it is, since the learned Judge of the Family Court, Karur has already decided the above two HMOPs, this Court is inclined to transfer the suit in O.S.No.2 of 2021 from the said Court.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The suit in O.S.No.2 of 2021 on the file of the Family Court, Karur, is hereby withdrawn and transferred to the file of the Family Court, Trichy. The learned Judge, Family Court, Karur, is directed to send the records relating to the suit in O.S.No.2 of 2021 to the Family Court, Trichy within a period of ten days from the date of receipt of copy of this order and on receipt of the same, the learned Judge, Family Court, Trichy, is directed to take the same on file and dispose of the same within a period of four months from the date of receipt of records from the Family Court, Karur.

7. With the above observation and direction, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

09.10.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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K.MURALI SHANKAR, J.

das

To

- 1.The Judge, Family Court,
Karur.
- 2.The Judge, Family Court,
Trichy.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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