



Tr.C.M.P(MD)No.378 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2023

CORAM

**THE HONOURABLE MRS JUSTICE K.GOVINDARAJAN
THILAKAVADI**

Tr.C.M.P(MD)No.378 of 2023

and

C.M.P.(MD).No.8017 of 2023

B.Rajiv Kanna

... Petitioner

Vs.

M.Divyaprabha

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.74 of 2023 on the file of the Family Court, Ramanathapuram and to transfer the same to the file of the Family Court, Sivagangai.

For Petitioner : Mr.A.K.Nagarajan

For Respondent : Mr.G.Vishnuram



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ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.74 of 2023 from the file of the Family Court, Ramanathapuram and to transfer the same to the file of the Family Court, Sivagangai.

2. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondent and also perused the materials available on record.

3. The petitioner herein is the husband of the respondent. The marriage between them was solemnized on 11.03.2021. Due to some misunderstanding, now, they are living separately. Thereafter, the respondent filed a petition for restitution of conjugal rights in H.M.O.P.No.67 of 2021 before the Sub Court, Paramakudi. The petitioner has also filed a divorce petition in H.M.O.P.No.822 of 2022 before the Family Court, Madurai. Subsequently, the respondent/wife filed Tr.C.M.P(MD)No.500 of 2022 before this Court and the same was



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transferred to Family Court, Ramanathapuram, as per the order of the Court, dated 03.02.2023 passed in Tr.C.M.P(MD)No.500 of 2022 and renumbered as H.M.O.P No.74 of 2023. Now the respondent /wife has not-pressed the H.M.O.P.No.67 of 2021 on 01.12.2022. Since the petitioner is now living at Madurai and it is difficult to travel from Madurai to Ramanathapuram. The respondent also all the way travel from Paramakudi to Ramanathapuram. Therefore, he filed this Transfer Civil Miscellaneous Petition, seeking transfer of H.M.O.P.No.74 of 2023 from the file of the Family Court, Ramanathapuram, to the file of the Family Court, Sivagangai.

4. On the other hand, the learned counsel appearing for the respondent submits that earlier the respondent has preferred Tr.C.M.P. (MD)No.500 of 2022 which was allowed and the case was transferred from Family Court, Madurai to Family Court Ramanathapuram. After participating in the proceedings and hope that the orders are going to be passed by the said Court, the petitioner has preferred this second Transfer Application, which is unsustainable one and hence, he prays for dismissal of the petition.



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5. Considering the arguments advanced by the learned counsel for the petitioner that earlier as per the order passed by this Court in Tr.C.M.P.(MD)No.500 of 2022, the case was transferred from Family Court, Madurai to Family Court Ramanathapuram. Both parties after participating in the proceedings, now the petitioner/husband has preferred this second Transfer Application which cannot be permitted. Therefore, it is liable to be dismissed.

6. In view of the above discussion, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

18.08.2023

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

RM



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To
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- 1.The Judge,
Family Court,
Ramanathapuram
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

RM

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