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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Thirteenth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice C.SARAVANAN

CMP(MD). No.8885 of 2023

in

Tr.C.M.P.(MD)No.225 of 2023

Ramkumar,
S/o Karmegam, Upputhurai,
Andipatti Taluk, Theni District

... Petitioner/Respondent

Vs

Aswini,
D/o Ganesan , No.219, Kamatchiamman Kovil Street,
Athora Street, Harur Post
Dharmapuri District.

... Respondent/Petitioner

Prayer :-

Petition filed under order 41 Rule 21 of Civil Procedure Code to rehear the case in Tr.C.M.P.(MD). No. 225 of 2023 order dated 06.06.2023 on the file of this Honourable Court.

Prayer in Tr.C.M.P.(MD)No.225 of 2023:-

Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the petition in H.M.O.P.No.437 of 2022 on the file of the Family Court, Theni and transfer the same to the Sub Court, Harur, Dharmapuri District.



ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. C.M. Arumugam, Advocate for the Petitioner this Court made the following order:

This petition is filed to rehear the case in Tr.C.M.P.(MD).No.225 of 2023, which was allowed on 06.06.2023.

2.The order of this Court dated 06.06.2023 in Tr.C.M.P.(MD).No.225 of 2023 does not call for any interference as there are no error apparent on the case.

3.This Court is of the view that the Transfer Civil Miscellaneous Petition filed by the wife, who is not employed and is dependent on the parents is to be allowed.

4.Merely because there was no appearance on behalf of the petitioner herein (the respondent – husband in the above Transfer Civil Miscellaneous Petition) would not mean, the order dated 06.06.2023 has to be recalled.

5.In view of the above, C.M.P.(MD).No.8885 of 2023 is dismissed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/11/2023

Sub Assistant Registrar(CS)



1. The Judge, Family Court,
Theni.

2. The Subordinate Judge,
Harur, Dharmapuri District.

Copy to:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai

+ 1c.c. To Mr. C.M. Arumugam SR.No.48217.

ORDER DATED : 13/10/2023

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ORDER

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CMP(MD). No.8885 of 2023

in

Tr.C.M.P.(MD)No.225 of 2023

Giving direction and etc.

as stated within.

KB(08.11.2023) 3P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.

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