



Tr.C.M.P(MD)No.462 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Tr.C.M.P(MD)No.462 of 2022

and

C.M.P(MD)No.7501 of 2022

Vaishnavi

... Petitioner/Respondent

Vs.

S.Gururamakrishnan

...Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw and transfer the pending proceedings in H.M.O.P.No.314 of 2022 from the file of Family Court, Tiruchirappalli to Family Court, Madurai.

For Petitioner : Mr.Mr.M.Vishnuvarthanan

For Respondent :Mr.K.Selvam

ORDER

The present transfer civil miscellaneous petition has been filed by the wife seeking to transfer H.M.O.P.No.314 of 2022 pending on the file of Family Court, Trichy to Family Court, Madurai.



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2. According to the learned counsel appearing for the petitioner/wife, the petitioner has filed H.M.O.P.No.689 of 2019 for divorce and the same is pending before the Family court, Madurai. The wife has also filed M.C.No.166 of 2019 and the same is also pending before the Family Court, Madurai.

3. Thereafter, the husband has filed H.M.O.P.No.314 of 2022 before Family court, Trichy. Therefore, the petitioner/wife seeks to transfer H.M.O.P.No.314 of 2022 filed by the husband to Family court, Madurai to be tried along with H.M.O.P.No.689 of 2019 and M.C.No. 166 of 2019.

4. The learned counsel appearing for the respondent/husband submitted that the husband is a physically challenged person and he may find it difficult to appear before the family Court, Madurai, if H.M.O.P.No.314 of 2022 is transferred from Trichy to Madurai.

5. However, it could be seen from the records that the husband is appearing in the divorce petition filed by the wife before the Family Court, Madurai from the year 2019 onwards and he has not sought for any transfer of the same to Trichy.



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6. In view of the above said facts, H.M.O.P.No.314 of 2022 pending on the file of the Family Court, Trichy is hereby withdrawn and transferred to Family Court, Madurai to be tried along with H.M.O.P.No. 689 of 2019 and M.C.No.166 of 2019. Considering the fact that the respondent/husband is physically challenged person, the Family Court, Madurai is hereby directed not to insist upon the personal appearance of the husband, unless it is compulsorily required. Considering the fact that the H.M.O.P is pending from the year 2019, the learned Family Judge, Madurai is directed to dispose of the same on or before 31.12.2023.

7. With the above said direction, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

22.02.2023

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

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To

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- 1.The Family Court,
Trichy.
- 2.The Family Court,
Madurai.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

R.VIJAYAKUMAR,J.



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Order made in
Tr.C.M.P(MD)No.462 of 2022

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