



Tr.C.M.P(MD)No.498 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Tr.C.M.P(MD)No.498 of 2022

and

C.M.P(MD)No.7925 of 2022

K.Madhanki @ Suriya ... Petitioner/ Respondent-wife
Vs.

N.Chandrasekaran ... Respondent/ Petitioner-husband

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of the Code of Civil Procedure, to withdraw the case on the file of the learned Family Court Judge, Sivagnagai in H.M.O.P.No.154 of 2022 and transfer the same to the learned Sub-Judge, Pattukkottai to try along with the case in H.M.O.P.NO.45 of 2022.

For Petitioner : Mr.B.Anandan
For Respondent : Mr.A.Arul Jenifer

ORDER

The present transfer civil miscellaneous petition has been filed by the wife seeking to transfer H.M.O.P.No.154 of 2022 pending on the file of the Family Court, Sivagangai to be transferred to Subordinate Court, Pattukottai.

2. According to the learned counsel appearing for the petitioner/wife, she had filed H.M.O.P.No.45 of 2022 before the



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Subordinate Court, Pattukottai, for divorce and therefore, the present H.M.O.P.No.154 of 2022 pending before the Family Court, Sivagangai, may be transferred to Pattukottai.

3. According to the learned counsel appearing for the respondent/husband, the petitioner/wife has not voluntarily filed such a divorce petition before the Subordinate Court, Pattukotti and it is at the instigation of her mother. However, it is for the husband to file an appropriate application before the Subordinate Court, Pattukottai for availing the remedy.

4. In view of the aforesaid facts, H.M.O.P.No.154 of 2022 pending on the file of the Family Court, Sivagangai, is hereby withdrawn and transferred to the file of Subordinate Court, Pattukottai, to be tried along with H.M.O.P.No.45 of 2022.

5. With the aforesaid observation, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

27.02.2023

NCC : Yes / No
Index : Yes / No
Rmk



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To

- 1.The Judge, Family Court, Sivagangai.
- 2.The Subordinate Judge, Pattukkottai.



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R.VIJAYAKUMAR ,J.

Rmk

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