



Tr.C.M.P(MD)Nos.528 and 551 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **08.03.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)Nos.528 and 551 of 2022

and

C.M.P(MD)Nos.8369 and 8750 of 2022

Tr.C.M.P(MD)No.528 of 2022

M.Solaimalai @ Bharath

... Petitioner/
Respondent

Vs.

1.Pavithra

2.Minor.Rinith Hari

... Respondents/
Petitioners

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of Code of Civil Procedure, to withdraw the M.C.No.41 of 2022 pending on the file of Learned Family Court, Ramanathapuram and transfer to the file of Sub Court, Periyakulam.

For Petitioner : M/s.S.Devasena

For Respondents : Mr.J.Barathan



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Tr.C.M.P(MD)No.551 of 2022

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Pavithra

... Petitioner/
Respondent

Vs.

M.Solaimalai @ Bharath

... Respondents/
Petitioners

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of Code of Civil Procedure, to pass an order withdrawing the petition for restitution of conjugal rights in H.M.O.P.No.253 of 2022 on the file of the Family Court, Ramanathapuram to be tried jointly with the maintenance case in M.C.No.41 of 2022.

For Petitioner : Mr.J.Barathan

For Respondent : M/s.S.Devasena

ORDER

Both the petitioner in the respective petitions are husband and wife.

2. In Tr.C.M.P(MD)No.528 of 2022, husband seeks for transfer of M.C.No.41 of 2022 from Family Court, Ramanathapuram to Sub Court, Periyakulam. In Tr.C.M.P(MD)No.551 of 2022, wife seeks for transfer of



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H.M.O.P.No.523 of 2022 from Family Court, Theni to Family Court, Ramanathapuram.

3. The learned counsel appearing for the husband (Petitioner in Tr.C.M.P(MD)No.528 of 2022) has drawn attention to the photographs to show cut injury on the neck by the relatives of the wife. The learned counsel appearing for the husband also submits that there is a threat to the life of the husband as the relatives of the wife have physically assaulted the husband.

4. Considering the fact that continuation of case in both the Courts below may not be conducive, this Court is inclined to transfer both the cases to Family Court, Madurai, for being tried jointly.

5. The respondent/husband shall bear all costs towards boarding and lodging and other expenses of the petitioner/wife in Tr.C.M.P(MD)No.551 of 2022, during the hearings before the said Court.



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6. These transfer civil miscellaneous petitions stand disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

08.03.2023

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

- 1.The Family Court, Ramanathapuram.
- 2.The Sub Court, Periyakulam.
- 3.The Family Court, Theni
- 4.The Family Court, Madurai.
- 5.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN ,J.

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