



Tr.C.M.P(MD)No.520 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.520 of 2022

and

C.M.P(MD)No.8179 of 2022

K.Vasantha Meena

... Petitioner/Respondent

Vs.

1.C.Thiruppathi

...Respondent/Petitioner

2.xxxxxx

... Respondent

*(R2 is deleted vide Court order, dated
22.02.2023 in Tr.C.M.P(MD)No.520 of 2022)*

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the case in H.M.O.P.No.1229 of 2021 from the file of the Family Court at Madurai and to transfer the same to the file of the Principal Family Court at Chennai.

For Petitioner : Mr.Shaji Chellan

For R1 : No Appearance

For R2 : Mr.K.R.Laxman



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ORDER

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The present transfer civil miscellaneous petition has been filed by the wife seeking to transfer H.M.O.P.No.1229 of 2021 pending on the file of the Family Court at Madurai to Principal Family Court at Chennai.

2. According to the learned counsel for the petitioner/wife, she is employed as a Lecturer in Government College in Chennai from the year 2018 onwards. Suppressing the said fact, the husband has filed H.M.O.P at Madurai as if she is residing in Madurai. Hence, she finds it difficult to travel from Chennai to Madurai on every occasion to attend hearings in Family Court, Madurai.

3. Though the husband was attempted to be served, he has evaded into service. This Court has directed to print his name by an order, dated 02.02.2022. The name of the respondent is printed and the respondent has not chosen to appear either in person or through counsel.

4. The 2nd respondent, namely the Post Master General has been impleaded to verify whether the endorsement made in the postal cover that the husband is died, is true or not. According to the learned counsel



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appearing for the 2nd respondent, based upon the certain inputs given by the relatives, the said fact was recorded and the tapal was returned.

5. The learned counsel appearing for the petitioner/wife submits that the husband is regularly appearing for every hearing before Family Court, Madurai. Therefore, this Court directs deletion of the 2nd respondent from the array of parties.

6. In view of the above said facts, H.M.O.P.No.1229 of 2021 pending on the file of the Family Court, Madurai is hereby withdrawn and transferred to Principal Family Court at Chennai to be tried either by the Principal Court or by any of the Additional Family Courts in Chennai.

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

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



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R.VIJAYAKUMAR ,J.

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Order made in
Tr.C.M.P(MD)No.520 of 2022

22.02.2023