

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD)No.739 of 2022

and

C.M.P.(MD)No.11756 of 2022

Shalini, W/o.Thirumalaipandi

.. Petitioner

Versus

Thirumalaipandi, S/o.Chellapandi

.. Respondent

Prayer :- Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.14 of 2022 from the file of the Sub Court, Usilampatti, Madurai District, and to transfer the same to the file of the Family Court, Theni, Theni District.

For Petitioner : Mr.B.Jeyakumar

For Respondent : Mr.A.Prabhu Raj

ORDER

This Petition has been filed to withdraw the case in H.M.O.P.No.14 of 2022 from the file of the Sub Court, Usilampatti, Madurai District, and to transfer the same to the file of the Family Court, Theni, Theni District.

2. The learned counsel for the respondent submits that the respondent has filed H.M.O.P.No.14 of 2022, for restitution of conjugal rights before the Sub Court,

Usilampatti and that the physical presence of the petitioner is not required for each and every hearings before the Sub Court, Usilampatti.

3. On the other hand, the learned counsel for the petitioner submits that the petitioner has filed M.C.No.138 of 2022, seeking maintenance before the Family Court, Theni, and therefore, he seeks a direction to transfer H.M.O.P.No.14 of 2022 to the file of the Family Court, Theni, to be tried along with M.C.No.138 of 2022.

4. Being satisfied with the reasons given in the affidavit and considering the fact that M.C.No.138 of 2022 filed by the petitioner seeking maintenance is pending before the Family Court, Theni, the present Transfer Civil Miscellaneous Petition stands allowed, by directing transfer of H.M.O.P.No.14 of 2022, pending on the file of the Sub Court, Usilampatti, Madurai District, to the file of the Family Court, Theni, Theni District. The learned Judge, Family Court, Theni, Theni District, shall dispose of H.M.O.P.No.14 of 2022, on it being re-numbered along with M.C.No.138 of 2022, as expeditiously as possible, preferably, within a period of 12 months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
smn2

29.03.2023

To

1.The Sub Judge,
Usilampatti,
Madurai District.

2.The Judge,
Family Court,
Theni, Theni District.

Tr.C.M.P.(MD)No.739 of 2022

C.SARAVANAN, J.

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Order made in
Tr.C.M.P.(MD)No.739 of 2022

29.03.2023