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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.667 of 2023
and
C.M.P.(MD)No.14703 of 2023

Kartheeswari ... Petitioner

Vs.

K.Sureshkumar ... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 151 C.P.C., to withdraw the case in I.A.No.1 of 2023 in unnumbered H.M.O.P.No.____ of 2023 on the file of the Sub Court, Sattur, Virudhunagar District and transfer the same to the learned Family Court, Madurai, Madurai District.

For Petitioner : Mr.S.Sathyachidambaram

For Respondent : Mr.R.Karunanithi

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Sub Court, Sattur, Virudhunagar District, in I.A.No.

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1 of 2023 in unnumbered H.M.O.P.No.____ of 2023 and transfer the same to the Family Court, Madurai.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. The learned counsel appearing for the petitioner would submit that the respondent has filed a divorce petition along with a petition under Section 14(1) of Hindu Marriage Act seeking special permission to take the divorce petition on file within one year from the marriage and the same is pending in I.A.No.1 of 2023 in unnumbered H.M.O.P.No.____ of 2023 on the file of the Sub Court, Sattur, Virudhunagar District.

4. The learned counsel appearing for the petitioner would further submit that the petitioner is in the advanced stage of pregnancy.

5. The learned counsel appearing for the respondent would submit that the matter may be referred to mediation as the respondent is willing for re-union and the learned counsel appearing for the petitioner would also submit that the petitioner is also willing for re-union.

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6. Considering the submissions made on either side, since the petitioner is in the advanced stage of pregnancy, the petition in I.A.No.1 of 2023 in unnumbered H.M.O.P.No.____of 2023 is ordered to be transferred from the file of the Sub Court, Sattur, Virudhunagar District to the file of the Family Court, Madurai. Accordingly, the learned Subordinate Judge, Sattur, Virudhunagar District, is hereby directed to transmit the entire records in I.A.No.1 of 2023 in unnumbered H.M.O.P.No.____ of 2023 to the file of the Family Court, Madurai, within a period of 10 days from the date of receipt of a copy of this order and after receiving the case records, the learned Judge of Family Court, Madurai, is directed to take the petition on file and refer the matter to mediation.

7. With the above direction, this Transfer Civil Miscellaneous Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

28.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
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K.MURALI SHANKAR,J.

csm

To

1. The Sub Court,
   Sattur.

2. The Family Court,
   Madurai.

3.The Section Officer,
   VR Section,
   Madurai Bench of Madras High Court,
   Madurai.

Order made in
Tr.C.M.P.(MD)No.667 of 2023
and
C.M.P.(MD)No.14703 of 2023

Dated : 28.11.2023

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