



Tr.C.M.P(MD)No.218 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.07.2024**

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Tr.C.M.P(MD)No.218 of 2024

and

C.M.P(MD)No.4905 of 2024

J.Lakshmi Priya

... Petitioner/ Petitioner

Vs.

J.Rajkumar

... Respondent/ Respondent

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.121 of 2023 on the file of Principal Subordinate Court, Trichy to transfer the case in Family Court Judge, Madurai.

For Petitioner : Mr.S.Vishnukanth

For Respondent : Mr.S.Krishnan



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ORDER

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The prayer in the Transfer Civil Miscellaneous Petition is to withdraw H.M.O.P.No.121 of 2023 on the file of the Principal Subordinate Court, Tiruchirappalli to the file of the Family Court, Madurai.

2. The petitioner wife has filed the petition firstly contending that he has already filed H.M.O.P.No.1457 of 2022 on the file of the Family Court, Madurai and both the petitions have to be tried together. Secondly, she is pleading hardship.

3. Per contra, the learned counsel appearing for the respondent would submit that the husband apart from working in Bangalore, is also taking care of the tender child. It will be extremely difficult for him to come to Madurai.

4. The fact that the respondent is looking after the child has to be looked into. However, it can be seen that he is working in Bangalore and therefore, whether to come to Tiruchirappalli or to Madurai will not



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make any difference. In view of the same, since both the matters have to be tried together, I am inclined to allow the prayer. Since the respondent husband submits that he is working in Bangalore, in respect of routine hearings, he may even appear through video conferencing facility and in respect of the material hearings such as counselling, mediation and examination of witness etc., he can appear in person.

5. With the above said observations, H.M.O.P.No.121 of 2023 is withdrawn from the file of the Principal Subordinate Court, Tiruchirappalli and transferred to the file of the Family Court, Madurai to be tried along with H.M.O.P.No.1457 of 2022. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs.

03.07.2024

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

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To

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



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D.BHARATHA CHAKRAVARTHY,J.

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Order made in
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