



TR.CMP(MD).No.579 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

TR.CMP(MD).No.579 of 2023 and
CMP(MD).No. 13132 of 2023

Ganeshkumar

... Petitioner

Vs.

Kiruthiga

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the HMOP.No.228 of 2022 on the file of the Sub Court, Devakottai and transfer the same to the file of the Family Court, Madurai to be tried along with HMOP.No.1403 of 2022.

For Petitioner : Mr.M.Rajaraman

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.228 of 2022 on the file of the Sub Court, Devakottai and transfer the same to the file of the Family Court, Madurai to be tried along with HMOP.No.1403 of 2022.



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2. The petitioner herein is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 26.11.2020 as per Hindu Rites and Customs. One child was born through the wedlock. Due to the matrimonial dispute, the respondent left the matrimonial home. Thereafter, the petitioner herein filed HMOP.No.228 of 2022, before the Sub Court, Devakottai, seeking restitution of conjugal rights and the same is pending. Subsequently, the respondent herein filed HMOP.No.1403 of 2022 on the file of the Family Court, Madurai seeking divorce.

3. Even though the notice is served upon the respondent, she has not chosen to appear before this Court either in person or through Advocate. So after hearing the learned Counsel for the petitioner, this order is passed.

4. The learned counsel appearing for the petitioner submitted that the issues involved in both the cases are same and also the evidence of both the cases are common and hence, the HMOP filed by the petitioner / husband in HMOP.No.228 of 2022 on the file of the Sub Court, Devakottai may be transferred to the file of Family Court, Madurai to be



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tried along with HMOP.No.1403 of 2022.

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5. Considering the fact that issues involved in both the HMOPs are one and the same and that the HMOP.No.1403 of 2022 filed by the respondent / wife is pending before the Family Court, Madurai this Court is inclined to allow this petition.

6. Accordingly, the Transfer CMP is allowed and HMOP.No. 228 of 2022 pending on the file of the Sub Court, Devakottai is hereby withdrawn and transferred to the file of the Family Court, Madurai to be tried along with HMOP.No.1403 of 2022. The learned Subordinate Judge, Devakottai is directed to transmit the entire records pertaining to the case in HMOP.No.228 of 2022 to the transferee Court, within a week from the date of receipt of a copy of this order. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is also closed.

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Internet : Yes / No
Index : Yes / No
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To

1. The Sub Court, Devakottai.
2. The Family Court, Madurai



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G.ILANGOVA, J.

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