



TR.CMP(MD).No.20 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.20 of 2024 and
CMP(MD).No.252 of 2024

1.Narmatha
2.Karnesh Mukunth
3.Prian Mounith

... Petitioners

Vs.

S.Magudepathy raja

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the MC.No.34 of 2023 on the file of the Family Court, Sivagangai and transfer the same to the file of the District Court, Sivagangai.

For Petitioners : Mr.C. Jeyaprakash

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in MC.No.34 of 2023 on the file of the Family Court, Sivagangai and transfer the same to the file of the District Court, Sivagangai.

2. The petitioner herein has filed M.C.No.34 of 2023 seeking



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the relief of maintenance before the Family Court, Sivagangai. The said M.C.No.34 of 2023 is pending for further process. In such circumstances this petition is filed by them seeking to transfer of the case from the file of the Family Court, Sivagangai to the file of the District Court, Sivagangai.

3. Heard the learned counsel appearing for the petitioners. Since no adverse order is passed against the respondent, notice to the respondent is not necessary.

4. Since some allegations are made against the Presiding Officer, the report is called for from the trial Court. A elaborate report submitted by the learned Judge stating that when the matter was called on 16.10.2023, the petitioners remained absent. So it was adjourned to 20.10.2023 directing the petitioners to pay the cost of Rs.300/- to the respondent. The divorce petition filed by the petitioner was dismissed by him on merits. So simply because the divorce petition was dismissed by him, the Transfer Civil Miscellaneous Petition is filed.

5. The learned counsel appearing for the petitioners submitted that the threat was made by the Presiding Officer at the time of moving the



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petition. Since the divorce petition filed by the petitioner came to be dismissed, they apprehend that the present petition will also be dismissed if trial is conducted by the very same officer.

6. But, when the matter was taken up subsequently, it was submitted that threat was made by the Family Court Judge openly. Such sort of contradictory statement before the Court should not be permitted be raised. Simply because the divorce petition has been dismissed by the Judge, Family Court, Sivagangai, the transfer of M.C.No.34 of 2023 from the file of Family Court, Sivagangai to the District Court, Sivagangai is not proper. This sort of frivolous allegations cannot be entertained. Hence, I do not find any reason to entertain this petition.

7. Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Internet : Yes / No
Index : Yes / No
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To

1. The Family Court, Sivagangai.
2. The District Court, Sivagangai.



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G.ILANGOVA,J.

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