



Tr.C.M.P(MD).No.796 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.796 of 2022
and
C.M.P(MD)No.12727 of 2022

Stephen Savarinathan

: Petitioner

Vs.

Geetha

: Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the petition in H.M.O.P.No.218 of 2021 pending on the file of the Principal Sub Court, Tiruchirappalli and transfer the same to the Family Court, Ariyalur.

For Petitioner : Mr.R.Alagumani

For Respondent : No Appearance.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the petition in H.M.O.P.No.218 of 2021 pending on the file of the Principal Sub Court, Tiruchirappalli and transfer the same to the Family Court, Ariyalur.



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2. It is evident from the records that the marriage between the parties was solemnized on 04.10.2013. It is not in dispute that the respondent has filed a petition in M.C.No.7 of 2022 claiming maintenance and the same is pending on the file of the Family Court, Ariyalur. It is also not in dispute that prior to the filing of maintenance case, the petitioner herein has filed a petition in H.M.O.P.No.218 of 2021 for divorce and the same is pending on the file of the Principal Sub Court, Tiruchirappalli.

3.The learned counsel for the petitioner would submit that the petitioner has earlier filed a petition for divorce and subsequently, the respondent has filed a petition claiming maintenance.

4. Despite receipt of notice, the respondent has not chosen to enter into appearance.

5. Considering the facts and circumstances of the case and also fact that the maintenance case in M.C.No.7 of 2022 is pending before the Family Court, Ariyalur, this Court decides that the case in H.M.O.P.No.218 of 2024, is ordered to be withdrawn from the file of the Principal Sub Court, Tiruchirappalli and transfer the same to the file of the Family Court, Ariyalur.



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Accordingly, the learned Principal Subordinate Judge, Tiruchirappalli, is hereby directed to transmit the entire records in H.M.O.P.No.218 of 2021 to the Family Court, Ariyalur within a period of 10 days from the date of receipt of a copy of this order and on receiving the case bundle, the learned Judge, Family Court, Ariyalur, is directed to take up the petition on file and proceed in accordance with law.

6. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

19.12.2024

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

To

- 1.The Principal Subordinate Judge,
Tiruchirappalli.
- 2.The Judge, Family Court, Ariyalur.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

DAS

Order made in
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