



Tr.C.M.P.(MD)No.758 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.758 of 2024
and
C.M.P.(MD)No.18163 of 2024

J.Ananthi Banu

... Petitioner

Vs.

R.Chandrasekaran

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the H.M.O.P.No.140 of 2020 on the file of the Family Court, Tirunelveli and transfer the same to the Family Court, Thoothukudi.

For Petitioner : Mr.D.Jebaraj

For Respondent : Mr.S.Siva Subramanian

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Family Court, Tirunelveli, in H.M.O.P.No.140 of



Tr.C.M.P.(MD)No.758 of 2024

2020 and transfer the same to the file of the Family Court, Thoothukudi.
WEB COPY

2. Heard the learned counsel on either side.

3. It is evident from the records that marriage between the petitioner and the respondent was solemnized on 21.05.2004. It is not in dispute that the respondent has filed a petition in H.M.O.P.No.140 of 2020 seeking restitution of conjugal rights and the same is pending on the file of the Family Court, Tirunelveli. It is also not in dispute that the petitioner has filed a petition in H.M.O.P.No.679 of 2020 seeking divorce and the same is pending on the file of the Family Court, Thoothukudi.

4. The learned counsel appearing for the respondent would submit that in H.M.O.P.No.140 of 2020, trial has already been completed and the case stands posted for arguments and that the proceedings in H.M.O.P.No. 679 of 2020 is in trial stage.

5. Though both divorce petition and restitution petition came to be filed in the year 2020, this Court is at loss to understand as to why the



Tr.C.M.P.(MD)No.758 of 2024

present transfer petition came to be filed in the year 2024 and that too when the restitution petition is pending for arguments. The petitioner has not assigned any valid reason or ground to transfer the case at this point of time. Hence, this Court is not inclined to grant the relief claimed.

6. In the result, the Transfer Civil Miscellaneous Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

23.01.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Judge,
Family Court, Tirunelveli.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Tr.C.M.P.(MD)No.758 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.758 of 2024
and
C.M.P.(MD)No.18163 of 2024

Dated : 23.01.2025