

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16-7-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.CMP.No.741 of 2014

M.Vijaya

... Petitioner

Versus

C.Prabhakaran

... Respondent

This petition is filed under Section 24 of C.P.C. to withdraw the H.M.O.P.No.799 of 2014 on the file of the Hon'ble Family Court at Tiruchirapalli and transfer the same to the Hon'ble Principal Judge Family Court at Chennai to be tried along with O.P.No.4218 of 2014.

For Petitioner : Mr.T.R.Thara
For Respondent : Mr.S.Giridharan

ORDER

The wife has come before this Court seeking transfer H.M.O.P.No.799 of 2014 filed by the respondent before the Family Court Trichirapalli to the file of Principal Judge, Family Court, Chennai to be tried along with O.P.No.4218 of 2014 filed by the petitioner for restitution of conjugal rights.

2. Both the parties appeared before this Court. Inspite of best efforts taken by the counsel, the parties cannot get reunited. Therefore, this Court after hearing the parties, decides the matter on merits.

3. It is stated by the learned counsel appearing for the petitioner that O.P.No.4218 of 2014 filed by her for restitution of conjugal rights was already decreed exparte and therefore, there is no question of trying H.M.O.P.No.799 of 2014 pending on the file of the Family Court, Trichirapalli along with O.P.No.4218 of 2014 pending on the file of Principal Family Court, Chennai.

4. In any event, the petitioner who is staying along with her parents in Chennai cannot travel for a long distance to appear before Family Court, Trichirapalli. The respondent would contend that he will be very comfortable if the matter is retained in Family Court, Tiruchirapalli.

5. Taking into consideration of the fact that the petitioner is residing along with her parents in Chennai and the respondent is presently working in Delhi, there is no justification to retain O.P.No.799 of 2014 in Trichirapally.

6. In view of that H.M.O.P.No.799 of 2014 pending on the file of the Family Court, Trichirapalli is transferred to the file of Principal Family Court, Chennai.

7. The petition is disposed of accordingly. No costs. Consequently the connected M.P.No.1 of 2014 is closed.

-s/d-
Assistant Registrar (CSIV)
dt:31/07/2015

True Copy

Sub-Assistant Registrar

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To

1. The Family Court, Trichirapalli.
2. The Principal Family Court, Chennai.

Tr.CMP.No.741 of 2014

aa03/08/2015

सत्यमेव जयते

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