

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P.NO.191 of 2015

and

M.P.NO. 1 of 2015

M.Shanthi

.Petitioner/Respondent

Vs.

S.Mohan

.Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.302 of 2013 on the file of the Family Court, Madurai and transfer the same to be tried along with H.M.O.P.No.4942 of 2014 on the file of the learned II Additional Judge, Family Court, Chennai.

For Petitioner : Mr.I.Jesu

JUDGMENT

This petition has been filed by the wife, seeking transfer of H.M.O.P.No.302 of 2013, filed by the respondent/husband for divorce, on the file of the Family Court, Madurai.

2. The contention of the learned counsel for the petitioner is that the petitioner is living with two daughters in Chennai and she has filed the petition for restitution of conjugal rights in O.P.No.4942 of 2014 and maintenance case in M.C.No.577 of 2014 before the II Additional Judge, Family Court, Chennai. The learned counsel for the petitioner further submitted that it is impossible for her to travel from Chennai to Madurai and appear before the Family Court, Madurai.

3. However, it is seen from the records and also from the affidavit filed in support of the petition, that the divorce petition filed by the husband is pending before the Family Court, Madurai and the same is in part heard stage. Already, the evidence on the side of the respondent was over and the case has been posted for cross examination of the petitioner. That apart, O.P.No.4942 of 2014 filed by the petitioner before the II Additional Family Court, Chennai for restitution of conjugal rights is only in the stage of filing counter and therefore both the matters cannot be clubbed

together and hence, the said OP cannot be transferred. Therefore, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rrg
To

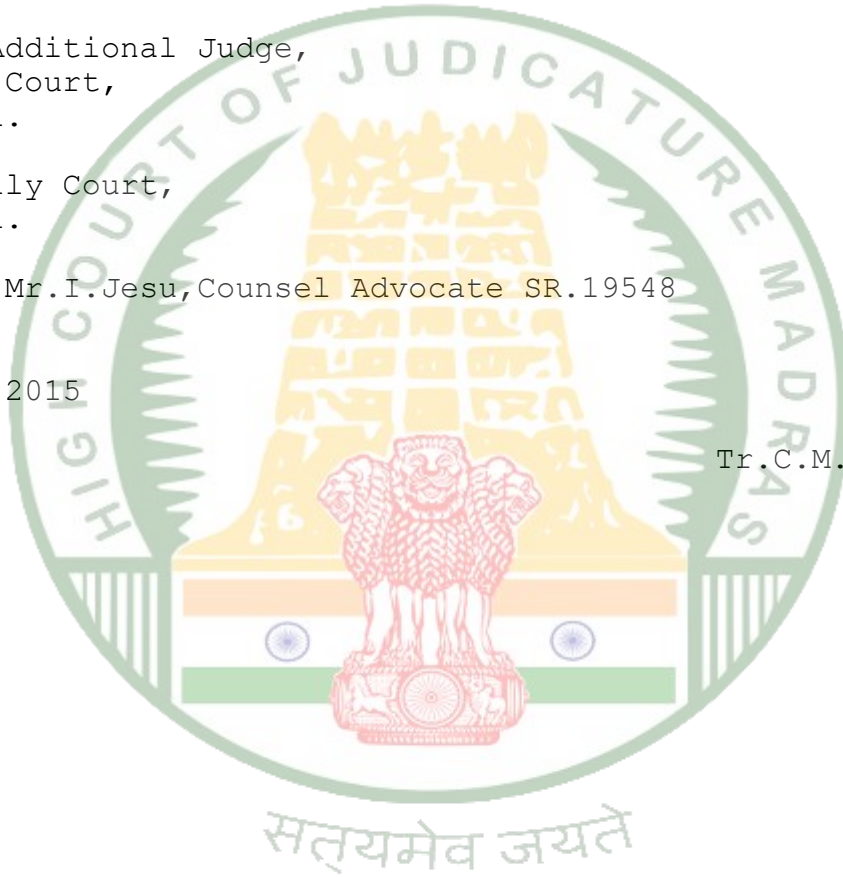
1.The II Additional Judge,
Family Court,
Chennai.

2.The Family Court,
Madurai.

+ 1 cc to Mr.I.Jesu,Counsel Advocate SR.19548

VGI(CO)
EU 23 .04.2015

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