

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17-3-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.CMP.No.498 of 2013

Mrs.R.Hari Priya

...Petitioner

Versus

Mr.A.Kumar

...Respondent

This petition is filed under Section 24 of C.P.C. to transfer H.M.O.P.No.81 of 2013 on the file of the Family Court, Madurai to the Principal Family Court at Chennai.

For Petitioner : Mr.S.Rajeni Ramadoss

For Respondent : Mr.R.Subburaj

ORDER

The petition has been filed by the wife seeking transfer of the petition filed by the husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights before the Family Court, Madurai to be tried along with the divorce petition filed by the petitioner in O.P.No.1916 of 2013 before the Family Court, Chennai.

2. Both the parties were directed to appear before this Court and they appeared on various dates. Though the parties were made to negotiate before this court to settle their dispute, they have not compromised. Therefore, this Court is constrained to pass orders on merits. Wife is residing along with her mother and it is impossible for her to travel to Madurai to appear before the Family Court, which is about 500 kilometres from Chennai.

3. Considering the above facts and also the convenience of the parties, H.M.O.P.No.81 of 2013 is directed to be withdrawn from the file of Family Court Madurai and transferred to the file of Family

Court, Chennai to be tried along with O.P.No.1916 of 2013.

4. It is represented that on 12.9.2013 an Exparte Order has been passed in H.M.O.P.No.81 of 1013 by the Family court, Madurai. A perusal of records reveals that an order of interim stay has been passed by this Court on 23.8.2013. When the order of interim stay is in force, the Family Court, Madurai ought not have passed the order dated 12.9.2013. In view of that the exparte decree dated 12.9.2013 passed by the Trial Court in H.M.O.P.No.81 of 2013 is set aside and The Family Court, Chennai, is directed to dispose of both the H.M.O.P.No.81 of 2013 and O.P.No.1916 of 2013 within two months from the date of receipt of a copy of the order. Accordingly the transfer petition is allowed. No costs. Consequently the connected M.P.No.1 of 2013 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.Family Court,
Madurai.

2.Principal Family Court,
Chennai.

1 CC to Mr.S.Rajeni Ramadoss, Advocate SR.No. 15341

1 CC to Mr.R.Subburaj, Advocate SR.No. 15421

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MSM (CO)
PSI (30.03.2015)

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