



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.377 of 2014

and

M.P(MD)No.1 of 2014

Mr.L.Sivakumar

... Petitioner

Vs.

Mrs.Abirami @ Saranya

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.344 of 2014 on the file of the Family Court, Dindigul and transfer the same to Sub Court, Thirumangalam.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondent : Mr.T.Antony Arul Raj

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.344 of 2014 on the file of the Family Court, Dindigul and transfer the same to Sub Court, Thirumangalam.

2. The petitioner herein is the husband and the respondent is the wife. The marriage was solemnized between the petitioner and the respondent on 29.08.2010 as per Hindu Rites and Customs. After the marriage, both lived together in matrimonial home at Bangalore. Due to difference of opinion, the petitioner left the respondent at her mother's house at Dindigul. Subsequently, he filed H.M.O.P.No.478 of 2011 before the Sub Court, Madurai for divorce, which was taken on file and transferred to Sub Court, Thirumangalam. In the said H.M.O.P., the respondent filed counter statement on 05.12.2012 and entered appearance through Advocate. At this stage, the respondent has filed H.M.O.P.No.344 of 2014 before the Family Court, Dindigul for Restitution of Conjugal Rights. Therefore, he has come out with the present petition for transfer.

3.The learned counsel for the respondent stated that the respondent being a lady will be put great hardship if the petition is transferred to Sub Court, Thirumangalam and therefore, prayed for dismissal of Tr.C.M.P.

<https://hcservices.courts.gov.in/hcservices> The petitioner has filed H.M.O.P.No.478 of 2011 for divorce. The respondent filed counter statement contesting the case. Subsequently, she filed H.M.O.P.No.344 of 2014 for



Restitution of Conjugal Rights before the Family Court, Dindigul after more than 3 years of the H.M.O.P.No.478 of 2011 filed by the petitioner for divorce before the Sub Court, Thirumangalam.

5. It is not in dispute that H.M.O.P.No.478 of 2011 filed by the petitioner ripened for trial.

6. In view of the submissions made by the learned counsel for the petitioner that the parties and subject matter of the issue is one and the same and to avoid conflicting decisions and in the interest of justice, both H.M.O.P.No.478 of 2011 and H.M.O.P.No.344 of 2014 are to be tried together in the same Court.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.344 of 2014 on the file of the Family Court, Dindigul, is hereby withdrawn and transferred to the file of the Sub Court, Thirumangalam, to be tried along with H.M.O.P.No.478 of 2011 filed by the petitioner, if the same is not yet disposed of. The learned Family Court Judge, Dindigul, is directed to send the case bundles to the Sub Court, Thirumangalam, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P (MD) No.1 of 2014 is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

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To

1. The Family Court, Dindigul.

2. The Sub Court, Thirumangalam.

3. The Section Officer,

V.R. Section, Madurai Bench of Madras High Court, Madurai.

+1cc to Mr. T. Antony Arul Raj, Advocate in SR NO.28590

+1cc to Mr. B. Rajesh Saravanan, Advocate in Sr No.28378

Tr.C.M.P. (MD) No.377 of 2014

05.06.2015

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