



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.423 of 2014

and

M.P (MD) No.1 of 2014

K.Karuppaiah

... Petitioner/Respondent

Vs.

Vanaja Devi

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer H.M.O.P.No.546 of 2013 pending before the Family Court, Madurai to Family Court at Dindigul having competent jurisdiction to decide the same.

For Petitioner	: Mr.R.T.Arivukumar
For Respondent	: Mr.A.Thirupathy

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer H.M.O.P.No.546 of 2013 pending before the Family Court, Madurai to Family Court at Dindigul

2. The petitioner herein is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 24.08.2009. The petitioner is working in Arasi Hi Tech Bio Power Pvt., Ltd. After the marriage, both the petitioner and respondent were living together in the matrimonial home at Coimbatore. On 29.11.2010, a female child was born in the wedlock. Due to some misunderstanding, both the petitioner and the respondent are living separately. Now the petitioner is working and residing at Coimbatore.

3. The petitioner filed H.M.O.P.No.220 of 2013, before the Subordinate Court, Dindigul for Divorce. The respondent filed H.M.O.P.No.546 of 2013 before the Family Court, Madurai for Restitution of Conjugal Rights and also filed M.C.No.125 of 2013 before the same Court. According to the petitioner, the distance between Coimbatore and Madurai is 240 kms and it is very difficult for him to attend each and every hearing before the



Family Court, Madurai. In the above circumstances, he has come out with this transfer petition.

4. Heard the learned counsel for the petitioner. The respondent entered appearance through counsel and did not file any counter.

5. The reason given by the petitioner is that he cannot travel long distance to attend each and every hearing before the Family Court, Madurai.

6. Earlier, this Court, by the order, dated 08.01.2015 in Tr.C.M.P(MD)Nos.381 and 431 of 2014, passed a common order dismissing the Tr.C.M.P.No.431 of 2014 filed by the petitioner to withdraw and transfer M.C.No.125 of 2013 on the file of Family Court, Madurai to Family Court, Dindigul and allowed the Tr.C.M.P.No.381 of 2014 filed by the respondent and transferred H.M.O.P.No.220 of 2013 to Family Court Madurai to be tried along with M.C.No.125 of 2013. All the cases in H.M.O.P.No.220 of 2013, H.M.O.P.No.546 of 2013 and M.C.No.125 of 2013 are pending before the Family Court, Madurai and therefore, the reason given by the petitioner is untenable and therefore, this petition is dismissed.

7. All the cases are pending from the year 2013. The learned Family Court Judge, Madurai is directed to dispose of the H.M.O.P.Nos.220 and 546 of 2013 and M.C.No.125 of 2013 as expeditiously as possible, in any event, not later than 31st January 2016. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To
The Judge, Family Court,
Madurai.

Am
AA/22.07.2015/ 2p- 2c/

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