



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2015

CORAM:

THE HONOURABLE **MS.JUSTICE V.M.VELUMANI**

Tr.C.M.P. (MD) Nos.160 to 162 of 2015

and

M.P. (MD) .No.1 of 2015 in Tr.C.M.P.No.160 of 2015

Indirani

... Petitioner in all Tr.C.M.Ps.

Vs.

R.Balamurugan

... Respondent in all Tr.C.M.Ps.

PRAYER: Transfer Civil Miscellaneous Petitions are filed under Section 24 of Civil Procedure Code to withdraw the original petitions in H.M.O.P.Nos.167 of 2009, 240 of 2009 and G.W.O.P.No.13 of 2009 pending on the file of the Family Court at Madurai and transfer the same to the Family Court at Tirunelveli.

For Petitioner : Mr.M.Solaisamy
For Respondent : Mr.V.P.Rajan

ORDER

The Transfer Civil Miscellaneous Petitions are filed to withdraw the original petitions in H.M.O.P.Nos.167 of 2009, 240 of 2009 and G.W.O.P.No.13 of 2009 pending on the file of the Family Court, Madurai and transfer the same to the Family Court, Tirunelveli.

2. The petitioner/wife has filed H.M.O.P.No.240 of 2009 for restitution of conjugal rights and G.W.O.P.No.13 of 2009 for custody of two children. The respondent/husband has filed H.M.O.P.No.167 of 2009 for divorce. All the three petitions are pending before the Family Court, Madurai. The petitioner has stated that she is working as a servant maid in the house of one M/s.Chitra. Therefore, she is finding it very difficult to attend the hearing before the Family Court, Madurai. For this reason, she has come out with the three Transfer Civil Miscellaneous Petitions for transferring H.M.O.P.Nos.167 of 2009, 240 of 2009 and G.W.O.P.No.13 of 2009 to the Family Court, Tirunelveli.

3. The respondent had filed counter affidavit denying all the averments made by the petitioner. The respondent stated that the petitioner's parents and brother are living in Madurai and there is no necessity for the petitioner to go to Tirunelveli and work as a servant maid in the house of third party. According to the respondent, all the three Original Petitions had ripened for trial and the petitioner, with a view to drag on the proceedings, has come out with the present Transfer Civil Miscellaneous Petitions.

4. The learned counsel for the respondent submitted that in H.M.O.P.No.167 of 2009 filed by the respondent, proof affidavit is



filed in the year 2010 itself and the petitioner has to cross examine the respondent and she is dragging on the proceedings. Therefore, the respondent has filed C.R.P.(MD).No.313 of 2015 before this Court to dispose of H.M.O.P.No.167 of 2009 pending before the Family Court, Madurai. This Court, by order dated 23.02.2015, directed the Family Court, Madurai, to dispose of H.M.O.P.No.167 of 2009 on or before 31.10.2015. The respondent has filed typed set of papers containing 'B' diary extract and the learned counsel for the respondent referred to the same to substantiate the claim of the respondent as stated supra.

5. I have carefully perused all the materials on record and considered the arguments of the learned counsel for the parties.

6. The contention of the learned counsel for the respondent that only to drag on the proceedings, coming to know of the order passed by this Court, dated 23.02.2015, in CR.P.(MD).No.313 of 2015, the petitioner has come out with three Transfer Civil Miscellaneous Petitions. I am inclined to accept the contention of the learned counsel for the respondent. In the result, all the three Transfer Civil Miscellaneous Petitions are dismissed. However, all the three Original Petitions filed by the petitioner and the respondent are of the year 2009, the learned Family Court Judge, Madurai, is directed to dispose of all the three Original Petitions on day-to-day basis as early as possible, in any event not later than 31.10.2015 and report compliance to this Court. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(C.O.)

\\True copy\\

Sub Assistant Registrar

To

The Judge,
Family Court,
Madurai

+1cc to M/s.V.P.Rajan, Advocate Sr.No.27283
+1cc to M/s.M.Solaisamy, Advocate Sr.No.27461

akv
akm/29.06.15 /2p-4c/

Tr.C.M.P. (MD) Nos.160 to 162 of 2015
02.06.2015