



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2015

WEB COPY

CORAM:

THE HON'BLE MR.JUSTICE T.MATHIVANAN

Tr.C.M.P (MD) No.313 of 2015andM.P. (MD) No.1 of 2015

Mahalakshmi : Petitioner/Respondent
Vs.

Rajkumar : Respondent/Petitioner

Prayer : This petition is filed under section 24 of the Civil Procedure Code, to withdraw the case in HMOP No.80 of 2013 on the file of the Sub Court, Srivilliputhur and to transfer the same to the Family court, Madurai.

For Petitioner : Mr.S.Lakshmikanth
For respondent : Mr.V.Sitharanjandas

ORDER

This petition is filed under section 24 of the Civil Procedure Code to withdraw the matrimonial proceedings in HMOP No.80 of 2013 from the file of the Sub Court, Srivilliputhur and to transfer the same to the file of the Family Court, Madurai, for disposal.

2.Heard **Mr.S.Lakshmikanth**, learned counsel appearing for the petitioner and **Mr.V.Sitharanjandas**, learned counsel appearing for the respondent.

3.It is obvious to note here that the petitioner herein is the legally wedded wife of the respondent and on account of matrimonial tiff, they have been living separately for the past 2-1/2 years. During their wedlock, the petitioner had delivered a female child and now, she is aged about 4 years. Under these circumstances, the respondent herein had filed a petition in HMOP No.80 of 2013 seeking a decree to dissolve their marriage solemnized on 23.08.2010 before the Sub Court, Srivilliputhur. The petitioner herein finds it difficult to attend each and every hearing before the Sub Court, Srivilliputhur all along from Madurai.

4.It is to be noted that the petitioner has filed a maintenance claim against the respondent before the Family Court, Madurai, in which the respondent remained ex-parte and therefore,



an ex-parte order was passed directing the respondent to pay a sum of Rs.4,000/- to the petitioner and Rs.2,000/- to their minor child. Totally, the Family court has ordered Rs.6,000/- vide order, dated 13.03.2015. The petitioner has filed execution petition in E.P.No.153 of 2015. The petitioner is practising medicine at BGM Hospital, Madurai. Hence, it seems difficult for the petitioner to travel 180 kms up and down along with the minor daughter.

5.It is understood that the enquiry was commenced in the matrimonial proceedings and the respondent being PW1 stands in the box and he is yet to be cross examined. Under these circumstances, this court find the distance between Madurai and the Sub Court, Srivilliputhur may not be a ground for getting the above said matrimonial proceedings transferred. In the above said circumstances, this court is of opinion that let there be a direction to the Sub Court, Srivilliputhur to dispose the matrimonial proceedings in HMOP No.80 of 2013 within a prescribed time limit, which may be fixed by this court.

6.Keeping in view of the above facts, this petition is disposed of with a direction to the learned Subordinate Judge, Srivilliputhur that the matrimonial proceedings in HMOP No.80 of 2013 shall be disposed of within a period of two months from the date of receipt of a copy of this order. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(co)

/True Copy/

Sub Assistant Registrar

To,

The Sub Judge, Srivilliputhur.

+1cc to Mr.S.Lakshmikanth, Advocate Sr.No.66100

+1cc to Mr.V.Sitharanjandas, Advocate Sr.No. 65612

er

AA/NGM-SS/AR-I/30.11.2015/2p-4c

TrCMP (MD) No.313 of 2015

Date :16.11.2015