



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2015

CORAM :

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THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

TR.CMP(MD)Nos.77 and 78 of 2015

and

M.P(MD)Nos.1 and 1 of 2015

Mangai

... Petitioner in both petitions

Vs.

Mahendran

... Respondent in both petitions

Petitions filed under Section 24 of the Civil Procedure Code, to withdraw the case in HMOP.Nos.124 and 819 of 2014 on the file of the Family Court, Madurai, and transfer to the Sub Court, Kumbakonam.

For Petitioner : Mr.T.Vadivelan

C O M M O N O R D E R

The petitioner is a Software Engineer. It is stated that she is not employed after the marriage particularly, after the delivery of the child. The respondent/husband is also a Software Engineer working at Chennai.

2.The petitioner/wife has filed HMOP.No.124 of 2014 on the file of the Family Court, Madurai, seeking restitution of conjugal rights, since her parental home is at Madurai. It is not disputed by the learned counsel for the petitioner/wife, the husband also filed HMOP.No.819 of 2014 on the file of the Family Court, Madurai, seeking divorce.

3.Basing an order dated 31.07.2014 of the learned Judicial Magistrate, Melur, directing the husband to permit the petitioner/wife to live in the joint family property of her husband at Kabeesthalam, Thanjavur District, the petitioner/wife has sought for transfer of HMOP.Nos.124 and 819 of 2014 from the file of the Family Court, Madurai, to the file of the Sub Court, Kumbakonam.

4.The petitioner is not able to prove that she is residing at Kabeesthalam. On the other hand, HMOP.No.124 of 2014 was filed by the wife before the Family Court, Madurai, on the sole ground that she was residing in her parental home at Madurai, though the respondent is employed in Chennai. It is stated by the learned counsel for the petitioner that the marriage was solemnized at Madurai and the petitioner and her husband lived lastly at Chennai.



5. In these circumstances, I am not inclined to allow these petitions. Accordingly, these Transfer Civil Miscellaneous Petitions are dismissed. No costs. Consequently, M.P(MD)Nos.1 and 1 of 2015 are dismissed.

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/True copy/

Sd/-

Assistant Registrar(Per.Admn)

sub Assistant Registrar

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To
The Judge,
Family Court, Madurai.

+1cc to MR.T.VADIVELAN, ADVOCATE IN SR NO.10305

TR.CMP(MD)Nos.77 and 78 of 2015
and
M.P(MD)Nos.1 and 1 of 2015
04.03.2015

RG.18.03.2015 2P/3C