



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD) .No.88 of 2015 and

M.P. (MD) .Nos. 2 to 4 of 2015

M. Karthiga : Petitioner

Vs.

B.T. Senthilkumar : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the FCOP.No.306 of 2015 pending on the file of the learned Family Court, Madras to the file of learned Special Judge for Family Court at Madurai.

For Petitioner : Mr. S.R.S. Balraj

For Respondent : Mr.E.V.N. Siva

O R D E R

The petitioner, who is the respondent in FCOP.No.306 of 2015 filed this petition, to transfer FCOP.No.306 of 2015, from the file of the Family Court, Madras, to Family Court, Madurai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 18.05.2012, as per Hindu Rites and Customs. After marriage, both the petitioner and the respondent were living together in the matrimonial home at Chennai. A female child was born in the wedlock. Due to mis-understanding between the petitioner and respondent, they made allegations and counter allegations. The respondent / husband filed FCOP.No.306 of 2015, before the Family Court, Madras, for divorce.

3. According to the petitioner, she is working as a Clerk at Union Bank, Dindigul. Now, the petitioner is staying with her aged parents at Madurai. From Madurai, she goes to Dindigul, for her work. Her aged parents are taking care of her minor child. The distance between Madurai and Madras is approximately 450 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend FCOP.No.306 of 2015, before the Family Court, Madras. In the circumstances, the petitioner has filed the present petition to transfer FCOP.No.306 of 2015, from the file of the Family Court, Madras, to Family Court, Madurai.

4. The learned counsel appearing for the respondent submitted that the respondent has no objection to allow this petition and he has also made an endorsement to that effect. Further, the learned counsel for the respondent submitted that the petitioner has filed HMOP.No.164 of 2015, for restitution of conjugal rights, before Family Court, Madurai.



5. Heard the learned counsel appearing for both parties.

6. Recording the no objection and endorsement made by the learned counsel for the respondent, the Transfer CMP is allowed and FCOP.No.306 of 2015, on the file of the Family Court, Madras, is hereby withdrawn and transferred to the file of the Family Court, Madurai, to be tried along with H.M.O.P.No.164 of 2015 filed by the petitioner, if the same is not yet disposed of. The learned Family Court Judge, Madras, is directed to transmit the entire records pertaining to the case in FCOP.No.306 of 2015 to the transferee Court, within a week from the date of receipt of a copy of this order. The Registry is also directed to send back the papers that are pending before the Registry. As and when the records received, the learned Family Court Judge, Madurai, is directed to dispose of both the O.Ps as expeditiously as possible, in any event not later than 31st December 2015. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Madras

2. The Judge, Family Court, Madurai

+1cc to M/S.K.Muthumalai, Advocate in SR.No 30231

+1cc to M/S.E.V.N.Siva, Advocate in SR.No 30811

TS/29.06.2015/2P -5C

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