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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.03.2016
CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)Nos.267, 270 and 339 of 2015
and

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

Tr.C.M.P. (MD) .No.267 of 2015:

Vaishnavi Durgadevi

... Petitioner

Vs.

S.K.Venkatesh

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the GWOP No.5 of 2015 pending before the Principal District Court, Karur and Transfer the same to the Family Court, Madurai to be tried along with H.M.O.P.No.742 of 2014.

For Petitioner :Mr.B.A.Muruganantham

For Respondent :Mr.V.Sitharanjandas

Tr.C.M.P.No.270 of 2015

Vaishnavi Durgadevi

: Petitioner

Vs.

S.K.Venkatesh

: Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.256 of 2014 on the file of the Additional Sub Court, Karur and Transfer the same to the Family Court, Madurai to be tried along with H.M.O.P.No.742 of 2014.

For Petitioner :Mr.B.A.Muruganantham

For Respondent :Mr.V.Sitharanjandas

Tr.C.M.P.No.339 of 2015

S.K.Venkatesh

: Petitioner

Vs.

Vaishnavi Durgadevi

: Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.742 of 2014 pending on the file of the Family Court, Madurai and transfer the same to the Additional Sub Court, Karur for trying along with the H.M.O.P.No.256 of 2014.

**ORDER**

Tr.C.M.P. (MD).No.267 of 2015, is filed to withdraw the GWOP No.5 of 2015 pending before the Principal District Court, Karur and Transfer the same to the Family Court, Madurai to be tried along with H.M.O.P.No.742 of 2014.

2.Tr.C.M.P. (MD).No.270 of 2015, is filed to withdraw the H.M.O.P.No.256 of 2014 on the file of the Additional Sub Court, Karur and Transfer the same to the Family Court, Madurai to be tried along with H.M.O.P.No.742 of 2014.

3.Tr.C.M.P. (MD).No.339 of 2015, is filed to withdraw the H.M.O.P.No.742 of 2014 pending on the file of the Family Court, Madurai and transfer the same to the Additional Sub Court, Karur for trying along with the H.M.O.P.No.256 of 2014.

4.In Tr.C.M.P. (MD).No.267 of 2015, the petitioner is the wife and the respondent is the husband. The parties are referred as husband and wife. The marriage between the petitioner and the respondent was solemnized on 27.01.2008 and one female child was born on 18.02.2010 in the wedlock. The respondent filed H.M.O.P.No.256 of 2014, on the file of the learned Additional Sub-Judge, Karur, for divorce and also filed G.W.O.P.No.5 of 2015, on the file of the Principal District Judge, Karur, for the custody of minor child. The wife filed H.M.O.P.No.742 of 2014 on the file of the learned Judge, Family Court, Karur for restitution of conjugal rights.

5.Now, the respondent has filed Tr.C.M.P. (MD).No.339 of 2015 on the ground that he is suffering from " lumbar spondylitis Grade-II Hemorrhoids" and he was advised not to travel for a long distance. The distance between Karur and Madurai is more than 150 kms and for each and every hearing, he has to travel more than 300 kms. The wife filed two Tr.C.M.Ps to transfer H.M.O.P.No.256 of 2014 filed by the husband for divorce and G.W.O.P.No.5 of 2015 for custody of minor female child, on the ground that the petitioner/wife is not having any independent income and she is depending upon her aged parents for herself and for her minor child. The distance between Madurai and Karur is more than 150 kms and it is very difficult for her to travel without the help of any male members of the family.

6.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent. I have carefully perused the entire materials on record.

7.When the matter is taken up for hearing, the learned counsel appearing for the parties agreed to have a joint trial to be conducted in all the three cases.

8.In view of the above, the Transfer Civil Miscellaneous Petitions are allowed and all the three cases in H.M.O.P.No.256 of 2014 and G.W.O.P.No.5 of 2015 and H.M.O.P.No.742 of 2014 pending on the file of the Additional Sub-Court, Karur, Principal District Court, Karur and Family Court, Madurai respectively, are ordered to be withdrawn and



transferred to the file of the Principal District Court, Madurai. The learned Judge concerned are directed to transmit the entire records pertaining to all three cases to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To

1.The Principal District Judge,
Karur.

2.The Family Court,
Madurai.

3.The Additional Subordinate Judge,
Karur.

4.The Principal District Judge,
Madurai.

Copy to

The Section Officer,
Judicial Department,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.B.A.Muruganantham, Advocate in SR.No.11581

+1cc to M/S.V.SITHARANJANDAS, Advocate in SR.No.11668

Tr.C.M.P(MD)Nos.267, 270 and 339 of 2015
and

M.P.(MD).Nos.1, 1 and 1 of 2015
01.03.2016

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