



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2016

Coram:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P. (MD) .No.397 of 2015
and M.P. (MD) No.1 of 2015

S.Mohanapriya

.. Petitioner/Respondent

Vs.

S.Devendran

.. Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP No.46 of 2012 pending before Sub Court, Dindigul and transfer the same to the Family Court, Erode District or any competent Court, Erode.

For Petitioner : M/s.V.Jeyarani
For Respondent : No appearance

O R D E R

The present petition for transfer is filed to withdraw and transfer the case in HMOP No.46 of 2012 pending on the file of Sub Court, Dindigul to the file of Family Court, Erode District.

2. The marriage between the petitioner and the respondent was solemnized on 23.08.2007 at Dindigul and out of the wedlock a female child was born on 29.11.2008 and now the child is with the custody of the petitioner. Due to the strained relationship between the parties, the petitioner left the matrimonial home and residing with her parents. The contention of the petitioner is that she filed MC No.8 of 2012 before the Judicial Magistrate, Dindigul for maintenance and the respondent filed HMOP No.46 of 2012 before the Sub Court, Dindigul, for restitution of conjugal rights. The only reason set out in the petition is that it will be



very difficult for her to travel to Dindigul along with the child to defend the case filed by the respondent in HMOP No.46 of 2012.

3. The facts stated by the petitioner are neither candid nor convincing in view of the fact that both the petitioner and the respondent are residing in Dindigul. The petitioner herself filed a petition for maintenance in M.C.No.8 of 2012 before the Judicial Magistrate, Dindigul. In view of these facts, the petitioner has not come out with a clear ground for seeking transfer and this Court is not inclined to consider the petition. The transfer petition is dismissed. No costs. Connected miscellaneous petition is also dismissed.

Sd/

Assistant Registrar

/True Copy/

Sub Assistant Registrar.

To

- 1.The Judicial Magistrate, Dindigul
2. The Subordinate Judge, Dindigul.

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