



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

TR.CMP(MD)No.400 of 2015

and

M.P.(MD).No.1 of 2015

Mahalakshmi @ Maha Roslin

.. Petitioner

Vs.

M.Devasagayam

.. Respondent

Prayer: This Transfer CMP is filed under Section 24 of Code of Civil Procedure, praying to withdraw and transfer the I.D.O.P.No.21 of 2015 from the file of District Court, Sivagangai to Family Court, Tiruchirappalli to try along with I.D.O.P.No.45 of 2015.

For Petitioner : M/s.A.Rajendhran and Mr.V.Karthikeyan
For Respondent : No appearance

ORDER

Despite the service of notice on the respondent, he has not chosen to appear before this Court and therefore his name was ordered to be printed in the cause list. Today also there is no representation on the part of the respondent. Hence there is no other go for this Court, excepting to pass the orders on merits after hearing the argument of Mr.A.Rajendhran, learned counsel appearing for the petitioner.

2. This petition is filed by the petitioner seeing the relief of withdrawal of the matrimonial proceedings in I.D.O.P.No.21 of 2015 from the file of the District Court, Sivagangai and transfer to the Family Court, Tiruchirappalli to be tried along with I.D.O.P.No.45 of 2015.

3. On perusal of the affidavit filed in support of the petition, it is revealed that the petitioner had filed a petition in I.D.O.P.No.45 of 2015 dated 22.07.2015 under Section 10(ix) and (x) of Indian Divorce Act, 1869 for divorce. It is also revealed that the respondent, who is the husband of the petitioner had filed another petition in I.D.O.P.No.21 of 2015 on the file of the learned Principal District Judge, Sivagangai for restitution of conjugal rights. Now, the petitioner says that she was advised by doctors not to do any hard work by undertaking extensive travel and due to her ill health, she could not travel all the way to Sivagangai from Tiruchirappalli often to defend the matrimonial proceedings in I.D.O.P.No.21 of 2015 and therefore she has approached this Court with this petition to withdraw the above said matrimonial proceedings in I.D.O.P.No.21 of 2015 from the file of the District Court, Sivagangai, and transfer the same to the file of the Family Court, Tiruchirappalli to be tried along with I.D.O.P.No.45 of 2015.

<https://hcservices.ecourts.gov.in/hcservices/> Heard Mr.A.Rajendhran, learned counsel appearing for the petitioner and perused the averments made in the grounds of the petition.



5. Having been considered all the related facts and circumstances, this Court finds that the need to meet the ends of justice, this petition may be allowed as requested by the petitioner.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The matrimonial proceedings in I.D.O.P.No.21 of 2015 is ordered to be withdrawn from the file of the District Court, Sivagangai and transfer to the file of the Family Court, Tiruchirappalli to be tried along with I.D.O.P.No.45 of 2015. The learned Principal District Judge, Sivagangai is directed to transmit the entire records relating to I.D.O.P.No.21 of 2015 to the file of the learned Family Court Judge, Tiruchirappalli within a period of one week from the date of receipt of a copy of this order and on receipt of the entire records, the transferee court viz., the Family Court, Tiruchirappalli shall dispose of the said I.D.O.P.No.21 of 2015 along with the I.D.O.P.No.45 of 2015 within a period of six months thereafter. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(AS)

/TRUE COPY/

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

To

1.The District Judge,District Court, Sivagangai.

2.The Judge,Family Court, Tiruchirappalli.

+1cc to M/S.V.Karthikeyan,Advocate in SR.No.2453

TR.CMP (MD) No.400 of 2015
and
M.P. (MD) .No.1 of 2015
12.01.2016

PJL

PA/SK-SKN/SAR I/29.02.2016/2P/4C