

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 18.03.2016****CORAM****THE HONOURABLE MS.JUSTICE V.M.VELUMANI****Tr.C.M.P(MD)No.414 of 2015 and
M.P(MD)No.1 of 2015**

K.G.Sivasubramanian

... Petitioner

Vs.

S.Anbuselvi

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.829 of 2015 pending before the Family court, Madurai and to transfer the same to the file of the III Additional Sub Court, Madurai (Camp Court at Thirumangalam) and to try along with H.M.O.P.No.558 of 2012.

For Petitioner : Mr.P.T.Narendravasan
for Mr.T.K.Gopalan

For Respondent : Mr.K.Muraleedharan

ORDER

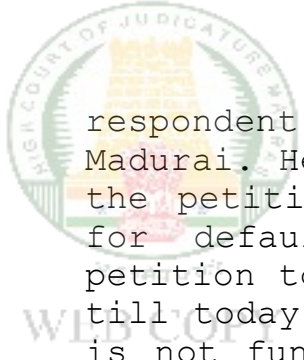
The Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.829 of 2015 on the file of the Family Court, Madurai and transfer the same to the file of III Additional Sub Court, Madurai (Camp Court at Thirumangalam) and to be heard along with HMOP No.558 of 2012 on the file of III Additional Sub Court, Madurai (Camp Court at Thirumangalam).

2.The petitioner herein is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 23.08.2012. After marriage, both the petitioner and respondent were living together in matrimonial home at Thirupparankundram. Due to misunderstanding, both are living separately. While so, the petitioner filed H.M.O.P.No.558 of 2012 before the III Additional Sub Court, Madurai (Camp Court at Thirumangalam) for Restitution of Conjugal Rights. The respondent filed H.M.O.P.No.829 of 2015, before the Family Court, Madurai for divorce.

3. Now, the petitioner has come out with the present petition for transfer on the ground that he is working as a Cash Operative Executive in the Bank and his main duty is to disburse amount to various ATM centres in and around Madurai. Sometimes, he would be sent to Karnataka State also to disburse the amounts to ATM Centres in and around Bangalore. Therefore, it is very difficult for him to appear before the Family Court, Madurai, regularly.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned counsel for the respondent submitted that the



respondent filed H.M.O.P.No.829 of 2015 before the Family Court, Madurai. He further submitted that H.M.O.P.No.558 of 2012 filed by the petitioner for restitution of conjugal rights, was dismissed for default and subsequently, he has filed the restoration petition to restore the HMOP., but the same has not been numbered, till today. He also submitted that the Camp Court at Thirumangalam is not functioning regularly and only to prolong the matter, the petitioner has filed the present Transfer Civil Miscellaneous petition and prayed for dismissal of the petition.

5. Heard the learned counsel appearing for the petitioner and the respondent.

6. Without deciding the allegations and counter allegations made in Transfer Civil Miscellaneous Petition on merits and considering the reason given by the petitioner for transfer of the case, I hold that this is a fit case for transferring H.M.O.P.Nos.829 of 2015 and 558 of 2012 from Family Court, Madurai and III Additional Sub Court, Madurai (Camp Court at Thirumangalam) to III Additional Sub Court, Madurai.

7. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of and H.M.O.P.No.829 of 2015 filed by the respondent before the Family Court, Madurai and H.M.O.P.No.558 of 2012 filed by the petitioner before the III Additional Sub Court, Madurai (Camp Court at Thirumangalam) are hereby withdrawn and transferred to the file of the III Additional Sub Court, Madurai, if the same are not yet disposed of. The learned Judge Family Court, Madurai, and the III Additional Sub Judge, Madurai (Camp Court at Thirumangalam) are directed to send the case bundles in H.M.O.P.No.829 of 2015 and H.M.O.P.No.558 of 2012 to the III Additional Sub Court, Madurai, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, The Family Court, Madurai.
 2. The III Additional Subordinate Judge,
Madurai (Camp Court at Thirumangalam)
 3. The III Additional Subordinate Judge, Madurai.
- +1 CC to M/s.PT.S.Narendravasan, Advocate in SR.No.15548

<https://hccivilcaseinmd.gov.in/4sep2016/2P-5C>

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