



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2016

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.483 of 2015

and

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

M.Chittirai Selvi ... Petitioner/Respondent

Vs.

V.T.Murugan ... Respondent/Petitioner

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.76 of 2013 which is pending on the file of the Subordinate Court, Ramanathapuram and transfer the same to the Family Court, Madurai with a direction to try the same along with H.M.O.P.No.419 of 2009.

For Petitioner :Mr.S.Ghouse Yacoob Hussian

For Respondent :Mr.R.Senthil Prabhakar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.76 of 2013 which is pending on the file of the Subordinate Court, Ramanathapuram and transfer the same to the Family Court, Madurai with a direction to try the same along with H.M.O.P.No.419 of 2009.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 30.08.1996. Three children were born in the wedlock. The respondent left the petitioner in the year 2009 and residing at Rameshwaram. The petitioner filed H.M.O.P.No.419 of 2009 before the Family Court, Madurai, for restitution of conjugal rights. Whiles, the respondent filed H.M.O.P.No.76 of 2013 before

the Subordinate Court, Ramanathapuram for divorce.

3. According to the petitioner, she is residing at Madurai along with her children. She is not having any independent income and she is depending on her parents for her day to day expenses, including the travelling expenses. The distance between Madurai and Ramanathapuram is above 100 kms and it is very difficult for her to travel such a long distance for each and every hearing along with her minor children. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition for the aforesaid relief.

4. The learned counsel appearing for the respondent has no objection for transferring the case and he has also made an endorsement to that effect and he prayed for speedy disposal of H.M.O.P.

5. In view of the endorsement made by the learned counsel for the respondent, the Transfer Civil Miscellaneous Petition is ordered and the H.M.O.P.No.76 of 2013 pending on the file of the Subordinate Court, Ramanathapuram is ordered to be withdrawn and transferred to the file of the Family Court, Madurai to be tried along with H.M.O.P.No.419 of 2009. The learned Subordinate Judge, Ramanathapuram is directed to transmit the entire records pertaining to the case in H.M.O.P.No.76 of 2013 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 petition is closed.

6. Since the H.M.O.P is of the year 2009 filed by the petitioner, the learned Judge, Family Court, Madurai directed to take both the cases together and dispose of the same within a period of six months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

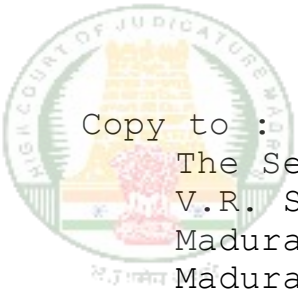
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Sub Assistant Registrar

To

1. The Sub-Court,
Ramanathapuram.

2. The Family Court,
Madurai.



Copy to :
The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

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+1 cc to Mr. M. Kannan, Advocate, Sr.No.15177

+1 cc to Mr.S. Ghouse Yacoob Hussian, Advocate, Sr.No.15594

ns

JM/SKS-RR/15.04.2016/3P-6C

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