



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.09.2016

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

TR.C.M.P (MD) No.131 of 2016

and

C.M.P. (MD) No.2164 of 2016

Mariselvi .. Petitioner/Respondent

vs.

Muneesh Kumar .. Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.124 of 2015, pending before the Subordinate Court, Sankarankovil, Tirunelveli District and transfer the same to the Family Court, Madurai to be tried along with H.M.O.P.No.70 of 2016, filed by the petitioner.

For Petitioner : Mr.A.R.Kannappan

For Respondent : Mr.M.Sankar

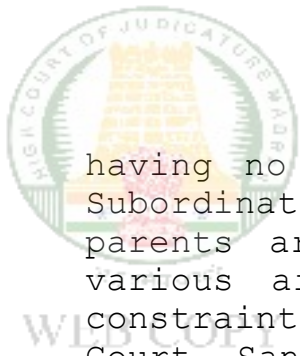
ORDER

The petitioner has filed the Transfer Civil Miscellaneous Petition to withdraw H.M.O.P.No.124 of 2015, pending before the Subordinate Court, Sankarankovil, Tirunelveli District and transfer the same to the Family Court, Madurai to be tried along with H.M.O.P.No.70 of 2016, filed by the petitioner.

2. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondent.

3. The learned Counsel appearing for the petitioner would submit that the respondent herein has filed H.M.O.P.No.124 of 2015 before the Subordinate Court, Sankarankovil for divorce and the same is pending before the Subordinate Court, Sankarankovil. The petitioner also filed H.M.O.P.No.70 of 2016 before the Family Court, Madurai for restitution of conjugal rights and the same is pending before the Family Court, Madurai. The learned Counsel

<https://hcservices.courts.gov.in/hcservices/> submit that the present application is filed for the reasons that the distance from Madurai to Sankarankovil is more than 120km. Further it is submitted that the petitioner is



having no other male assistant to accompany her to attend the Subordinate Court, Sankarankovil. Further, the petitioner's parents are also senior citizens and they are suffering from various ailments and the petitioner is also facing financial constraints to spend expenses for attending the Subordinate Court, Sankarankovil on every hearing. Taking into consideration the family circumstances as well as the financial status of the petitioner, the petitioner has filed the present petition to transfer H.M.O.P.No.124 of 2015, pending on the Subordinate Court, Sankarankovil, Tirunelveli District and transfer the same to the Family Court, Madurai to be tried along with H.M.O.P.No.70 of 2016, filed by the petitioner.

4. Per contra, the learned Counsel appearing for the respondent would submit that the respondent herein is residing at Sankarankovil and also he is working in Sankarankovil and therefore, the respondent would also face the difficult to travel from Sankarankovil to Madurai on every hearing.

5. The respondent herein filed H.M.O.P.No.124 of 2015 before the Subordinate Court, Sankarankovil for divorce and the said H.M.O.P. is pending before the Subordinate Court, Sankarankovil. It is also admitted fact that the petitioner filed H.M.O.P.No.70 of 2016 before the Family Court, Madurai for restitution of conjugal rights and the same is pending before the Family Court, Madurai. Taking into consideration the financial constraints faced by the petitioner and also the fact that there is no male assistance to accommodate the petitioner to travel from Madurai to Sankarankovil and in the interest of both parties, this Court is inclined to pass the following orders:

(i) H.M.O.P.No.124 of 2015, which is now pending on the file of the Subordinate Court, Sankarankovil, is hereby withdrawn and transferred to the file of the Family Court, Madurai;

(ii) The Subordinate Court, Sankarankovil is directed to send the entire records forthwith to the file of the Family Court, Madurai forthwith;

(iii) The Family Court, Madurai is directed to dispose of both H.M.O.Ps as expeditiously as possible, provided the parties shall co-operate for enquiry before the Family Court, Madurai.

6. With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(C.O.,)

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To

1.The Subordinate Court, Sankarankovil.

2.The Family Court, Madurai.

+1cc to M/s.A.R.Kannappan, Advocate, in SR No.53000.

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