



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2016

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

Tr.C.M.P(MD)No.137 of 2016 and

C.M.P. (MD) .No.2351 of 2016

V.Premkumar @ Prabhu

... Petitioner/Respondent

Vs.

K.J.Sangeetha

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.243 of 2015 pending on the file of Principal Sub Court, Trichy and to transfer the same to be tried along with HMOP NO.2442 of 2015 on the file of III Additional Family Court, Chennai.

For Petitioner : Ms.Thenmozhi Shiava Perumal

For Respondent : Mr.G.Kandavadivelan

ORDER

The marriage between the petitioner and respondent has been solemnized on 09.12.2013 at Chennai as per the Hindu rites and customs. The contention of the petitioner is that both the respondent and petitioner are software engineers and both are working at Chennai. Due to misunderstanding between them, they are living separately and the efforts made for their reunion went in vain. The petitioner filed H.M.O.P.No.2442 of 2015 before the III Additional Family Court, Chennai for divorce. The respondent filed H.M.O.P.No.243 of 2015 on the file of Sub Court, Trichy for restitution of conjugal rights.

2.The learned counsel for the respondent objected the petition by stating that the respondent is now working in Mahindra World City which is in Kanjeeपुरam District. Therefore, the petitioner is not entitled to any relief.

3.The learned counsel for the petitioner submitted that Mahindra World City is situated near Maraimalai Nagar and it will be convenient for the respondent, who is at Chennai because Mahindra World City situate in the suburban of Chennai City, more specifically in GST Road.



3.Considering the arguments and the counter arguments of the respective counsels, this Court is inclined to consider the case of the petitioner on the ground that petitioner and respondent are working at Chennai.

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4.In view of the above, the case of the petitioner deserves to be considered and accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.243 of 2015 on the file of the Principal Subordinate Judge, Trichy is ordered to be transferred to the III Additional Family Court, Chennai forthwith to be tried along with H.M.O.P.No.2442 of 2015. No costs. Consequently, C.M.P(MD)No.2351 of 2016 is closed.

Sd/

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar.

To

1.The III Additional Judge,
Family Court,
Chennai.

2.The Principal Subordinate Judge,
Trichy.

Copy to: The Registrar
City Civil Court,
Chennai.

(To Post HMOP NO. 243/2015 along with HMOP 2442/2015)

+1CC to M/S. B.Asha, Advocate, SR.No. 64897

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sj

AM/DB/10.11.2016/2P/5C