



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2016

CORAM:

THE HON'BLE MR. JUSTICE K. KALYANASUNDARAM

Tr.C.M.P (MD) No.206 of 2016

and

CMP (MD) No.3747 of 2016

Mrs.G.Laxmipriya @ Santhoshini : Petitioner/Respondent

Vs.

Mr.S.Kumaravel : Respondent/Petitioner

Prayer: This petition is filed under Section 24 of the Civil Procedure Code, to transfer the case in HMOP No.45 of 2016 from the file of the Family Court at Madurai to the file of the Additional Family Court, Coimbatore and to pass such further or other orders.

For Petitioner : Mr.I.Suthakaran

O R D E R

This petition has been filed under Section 24 of the Civil Procedure Code to transfer petition in HMOP No.45 of 2016 from the file of the Family Court, Madurai to the file of the Additional Family Court, Coimbatore.

2.The case of the petitioner is that she was married to the respondent on 20.05.2011 and out of the wedlock, a male child was born to them on 01.07.2013 and that she sent a legal notice to the respondent, dated 29.12.2015 for physical and mental cruelty caused to her and thereafter, the respondent filed a petition in HMOP No.45 of 2016 before the Family Court, Madurai for restitution of conjugal rights.

3.Mr.I.Suthakaran, learned counsel appearing for the petitioner would submit that the petitioner had already filed a case in HMOP No.144 of 2016 on the file of the Additional Family Court, Coimbatore against the respondent for divorce on the ground cruelty and since, the child is in the custody of the petitioner, it will be difficulty for her to attend the case at Madurai and to avoid conflicting decision, the case filed by the respondent before the Family Court, Madurai has to be transferred to the Additional Family Court, Coimbatore to try along with HMOP No.144

4.Heard Mr.I.Suthakaran, learned counsel appearing for the petitioner and perused the materials available on record. Despite



service of notice, the respondent has not chosen to appear either in person or through counsel to contest the case.

5. Considering the facts and circumstances of the case, this petition is allowed and the petition in HMOP No.45 of 2016 is ordered to be withdrawn from the file of the Family Court, Madurai and transferred to the file of the learned Additional Family Court, Coimbatore to try along with HMOP No.144 of 2016. The transferor Court is ordered to transmit the entire records to the file of transferee Court within a period of two weeks from the date of receipt of a copy of this order and the transferee Court, after obtaining the records on transfer, is directed to dispose the matter as expeditiously as possible. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To,

1.The Judge, Family Court,
Madurai.

2.The Judge, Additional Family Court,
Coimbatore.

+One cc to M/s.I.Suthakaran, Advocate, SR.No.33331

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RL/4C/2P/DB/6/7/2016

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