



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2016

CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

Tr.C.M.P(MD)No.383 of 2016 and

CMP(MD).No.7506 of 2016

WEB COPY

Maheswari

... Petitioner

Vs.

A. Meen Sundaram

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in OP.No.2702 of 2016 on the file of Family Court No.I, Chennai, and transfer the same to the file of Sub Court, Virudhunagar, to be tried along with HMOP.No.71 of 2016 pending on the file of Sub Court, Virudhunagar.

For Petitioner : Mr. R. Rajamohan

For Respondent : Mr. C. Ganeshkumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in O.P.No.2702 of 2016 on the file of Family Court No.I, Chennai, and transfer the same to the file of Sub Court, Virudhunagar, to be tried along with HMOP.No.71 of 2016 pending on the file of Sub Court, Virudhunagar.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 29.05.2015 as per Hindu Rites and Customs. After marriage, both the petitioner and the respondent were living together in matrimonial home at Chennai. From the date of marriage, the respondent and his family members treated the petitioner both mentally and physically and cruelly harassed her demanding additional dowry and thrown out her from matrimonial home. Hence, the petitioner filed HMOP.No.71 of 2016 before the Sub Court, Virudhunagar, for restitution of conjugal rights and the respondent has also participated in the proceedings before the said Court. In the meantime, the respondent filed OP.No.2702 of 2016, for divorce, before the Family Court No.I, Chennai.

3. Now, the petitioner is residing with her parents at Virudhunagar along with minor child. According to the petitioner, the distance between Chennai and Virudhunagar is about 500 kms and it is very difficult for the petitioner to



travel each and every hearing to attend O.P.No.2702 of 2016, before the Family Court No.I, Chennai. There is no one to accompany with her from Virudhunagar to Chennai to attend each and every hearing, before the Family Court, Chennai. Further, she is not having any independent income. The petitioner is only depending on her parents for her day-to-day expenses, including the travel expenses.

4. In such circumstances, the petitioner filed this petition to withdraw the case in OP.No.2702 of 2016 on the file of Family Court No.I, Chennai, and transfer the same to the file of Sub Court, Virudhunagar, to be tried along with HMOP.No.71 of 2016 pending on the file of Sub Court, Virudhunagar.

5. At the time of arguments, the learned counsel appearing for the respondent submitted that the respondent has no objection to transfer the OP to Family Court, Madurai, instead of Sub-Court, Virudhunagar and prays for early disposal of the petition. The learned counsel for the petitioner also has agreed for the same.

6. Heard the learned counsel appearing for the parties.

7. In view of the submission made by the learned counsel appearing on either side, the following order is passed:-

(i) OP.No.2702 of 2016, pending on the file of Family Court No.I, Chennai is ordered to be withdrawn and transferred to the file of Family Court, Madurai.

(ii) The learned Judge, Family Court No.I, Chennai is directed to transmit the entire records pertaining to the case in OP.No.2702 of 2016, 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.

(iii) The Registry is also directed to send back the papers that are pending before the Registry.

(iv) As and when the records received, the learned Judge, Family Court, Madurai, is directed to re-number the OP and dispose of the same, as expeditiously as possible.

8. The Transfer CMP is disposed of With above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar



To

1. The Judge, Family Court No.I, Chennai.

2.The Judge, Family Court, Madurai.

3.The Subordinate Judge, Virudhunagar.

Copy to

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.R.Raja Mohan, Advocate in SR.No.52152

+1cc to M/S.C.Ganesh Kumar, Advocate in SR.No.51615

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