

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.504 of 2017
and C.M.P.No.10430 of 2017

M. Maheswari ... Petitioner

Vs.

N.S.Raghavan ... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer the O.P.No.1952 of 2017 on the file of the I Family Court at Chennai to the Hon'ble Sub-Court, Thiruvarur and to conduct a trial join together with H.M.O.P.No.33 of 2017 pending before the Sub-Court, Thiruvarur.

For Petitioner : Mr.K.M.Subramaniam

For Respondent : No appearance

सत्यमेव जयते

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ORDER

When the matter was listed on 03.10.2017, there was no representation on behalf of the respondent. Hence, it was posted today for the appearance of the respondent. Even today (i.e) on 04.10.2017, there is no representation for the respondent-husband either in person or through counsel.

2. The Tr.C.M.P is filed by the petitioner-wife seeking transfer of H.M.O.P.No.1952 of 2017 pending on the file of the I Additional Family Court, Chennai to the file of the Sub Court, Thiruvavarur to be tried along with H.M.O.P.No.33 of 2017.

3. From the averments, it is seen that the marriage was solemnized between the petitioner and respondent on 24.05.2004 at Thiruvavarur. The petitioner-wife had filed H.M.O.P.No.33 of 2017 on the file of the Sub-Court, Thiruvavarur for divorce on the ground of cruelty. As a counter blast, the respondent-husband had filed H.M.O.P.No.1952 of 2017 on the file of the I Additional family Court, Chennai for restitution of conjugal rights. It is averred in the affidavit that they are separated for more than twelve years. There is also a female child born out of their wed lock who is presently with the petitioner-wife. The petitioner has stated that the child is also physically challenged and it would be difficult for her to leave the child to attend the hearing at Chennai. As the wife has already

filed H.M.O.P.No.33 of 2017 on the file of the Sub-Court, Thiruvapur, where the parties presence is not required for each hearing except at the time of trial, it will be easy for the husband to travel to Thiruvapur if the H.M.O.P.No.1952 of 2017 is transferred to Thiruvapur, to be tried along with H.M.O.P.No.33 of 2017 filed by the wife.

5. For the above said reasons, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.1952 of 2017 pending on the file of the I Additional Family Court, Chennai shall stand withdrawn and transferred to the file of the Sub Court, Tiruvapur to be tried along with H.M.O.P.No.33 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

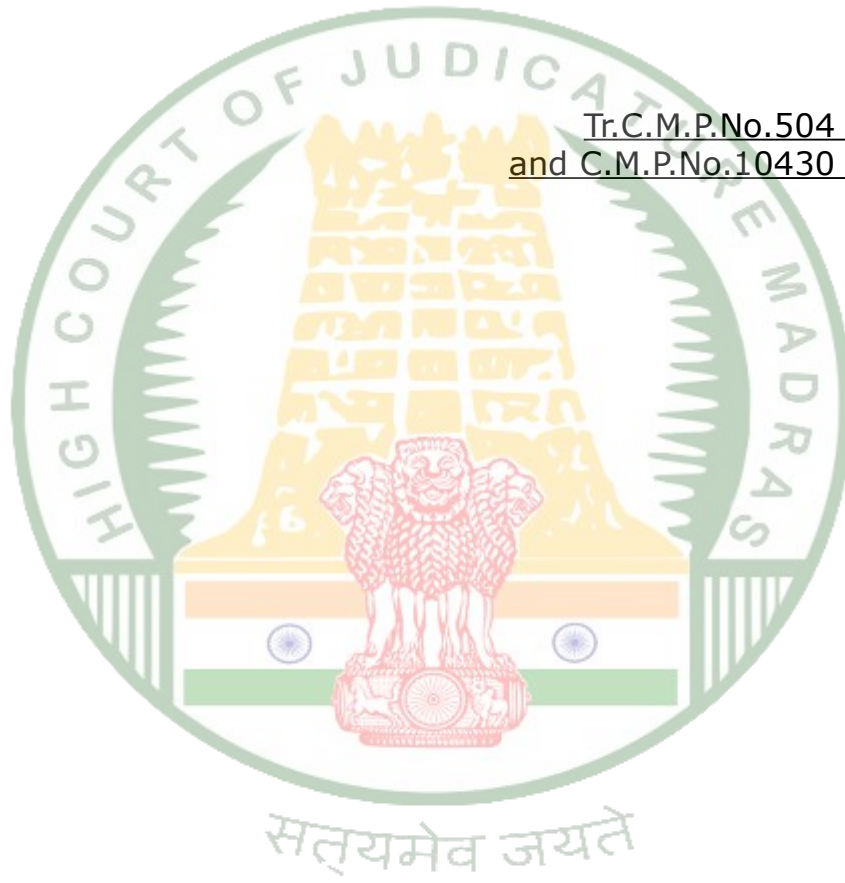
04.10.2017

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To

1. The I Additional Family Court, Chennai
2. The Sub-Court, Thiruvapur.

PUSHPA SATHYANARAYANA .J



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