

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.496 of 2016
and C.M.P.No.13537 of 2016

G.Subadhra

... Petitioner

Vs.

V.Devakumar

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.103 of 2016 from the file of the Family Court/District Court at Madurai and transfer to any other Family Court/District Court within the jurisdiction at Puducherry.

For Petitioner : Dr.G.Krishnamoorthy for
Ms.K.Viveka Devi
For Respondent : Mr.M.Rajaraman

O R D E R

The petition is filed to withdraw H.M.O.P.No.103 of 2016 from the file of the Family Court/District Court at Madurai and transfer to any other Family Court/District Court within the jurisdiction at Puducherry.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 21.06.2012 as per Hindu rites and customs and in the wed lock, a female child was born on 14.12.2013. Due to difference of opinion, the petitioner and respondent are living separately. The respondent filed H.M.O.P.No.103 of 2016 on the file of the Family Court/District Court, Trichy, for restitution of conjugal rights.

3. When this petition is taken up for hearing, the learned counsel for the respondent submitted that the petitioner was set exparte and exparte order was passed on 20.04.2016. The petitioner filed I.A.No.285 of 2016 to set aside the exparte order and also filed the present petition to transfer

H.M.O.P.No.103 of 2016. When this transfer C.M.P. is pending, the petitioner has withdrawn I.A.No.285 of 2016 and the said application was dismissed as not pressed on 14.10.2016. In H.M.O.P.No.103 of 2016, the petitioner was set exparte and there is no order to set aside the exparte order. Therefore, the petitioner cannot maintain the present transfer civil miscellaneous petition.

4. Learned counsel for the petitioner submitted that considering the stay granted by this Court in transfer civil miscellaneous petition, the petitioner withdrew I.A.No.285 of 2016 with liberty to file a fresh application to set aside the exparte order.

5. Considering the above submissions made by both sides, the transfer civil miscellaneous petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kj

To

1. The Judge,
Family Court/District Court,
Trichy.

+1cc to Mr.M.Rajaraman, Advocate, S.R.No.42433

LRS (CO)
RS (03/07/2017)

Tr.C.M.P. No.496 of 2016
and C.M.P.No.13537 of 2016