



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.02.2017**

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

TR.CMP(MD)No.12 of 2017 & C.M.P(MD)No.611 of 2017

M.Kalpana Devi

... Petitioner/Petitioner

Vs.

B.Suresh

...Respondent/Respondent

Prayer: Petition filed under Section 24 of Code of Civil Procedure to withdraw and transfer the case in H.M.O.P.No.662 of 2016 on the file of Family Court, Madurai to be heard and tried along with H.M.O.P.No.119 of 2016 on the file of the Principal Sub-Court, Thanjavur for disposal of the same on merits

For Petitioner

: Mr.M.Jerin Mathew

For Respondent

:Mr.D.Srinivasaraghavan

For Mediator

: M.Senthil Kumar

* * * * *

JUDGMENT

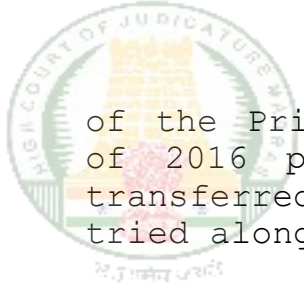
The wife has come before this Court seeking transfer of H.M.O.P.No.662 of 2016 filed by the respondent/husband seeking divorce as the petitioner/wife already filed H.M.O.P.No.119 of 2016 seeking restitution of conjugal right on the file of Principal Sub-Court, Thanjavur.

2. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondent and perused the materials available on records

3. Considering the young age of the spouses, this Court directed them to appear before this Court and they were present before this Court and Mr.S.Senthilkumar, learned Counsel practising for a long time before this Court was requested to mediate the couple.

4. It is a well settled law that the place of residence of the wife would be appropriate for trying the matrimonial issue. Since she has to travel 160 Kms, every time to appear before the Family Court, Madurai, it may not be possible for a lady to travel from her native place to Madurai.

5. Therefore, it is appropriate to transfer the H.M.O.P.No.662 of 2016 pending on the file of the Family-Court, Madurai to the file



of the Principal Sub-Court, Thanjavur. Accordingly, H.M.O.P.No.662 of 2016 pending on the file of the Family-Court, Madurai, is transferred to the file of the Principal Sub-Court, Thanjavur, to be tried along with H.M.O.P.No.119 of 2016.

6. With the above direction, this petition is ordered. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Judge,
Family Court,
Madurai.

2.The Principal Sub-Court,
Thanjavur.

+1 cc to M/s. M.JERIN MATHEW, ADVOCATE, SR NO.11022

+1 CC TO M/s. D.SRINIVASA RAGAVAN, ADVOCATE, SR NO.10179

gsr

MAS/CM-MSA:08.3.2017:2P/5C

Tr.C.M.P (MD) .No.12 of 2017
23.02.2017