



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 18.04.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR.C.M.P(MD)No.30 of 2017

and

C.M.P(MD)No.956 of 2017

Nirmala

.. Petitioner

vs.

Saravanaraj

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, praying this Court to withdraw O.P.No.4985 of 2014 on the file of the I Additional Family Court, Chennai and transfer the same to the file of Family Court at Madurai.

For Petitioner	: Mr.N.Vallinayagam
For Respondent	: Mr.R.Saravanan

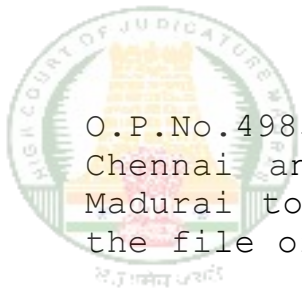
ORDER

The wife who is the respondent in O.P.No.4985 of 2014 filed by the husband for divorce on the ground of cruelty before the I Additional Family Court at Chennai, is the Petitioner. She seeks transfer of the said proceedings from I Additional Family Court, Chennai to Family Court at Madurai, where she has instituted H.M.O.P.No.802 of 2016 for restitution of conjugal rights.

2.Mr.R.Saravanan, learned counsel for the respondent/husband would vehemently oppose the application contending that the Petitioner/wife is actually residing at Chennai and was served with notice in H.M.O.P.No.4985 of 2014 at Chennai address only. She has shifted to Madurai for the purpose of dragging the respondent/husband to Madurai.

3.After amendment of the Hindu Marriage Act, the Court at the place of residence of the wife also has jurisdiction to entertain disputes regarding marriage.

4.Considering the fact that the wife is a resident of Madurai and the proceedings for restitution of conjugal rights is also pending at Madurai, this Court deems it fit to withdraw



O.P.No.4985 of 2014 from the file of I Additional Family Court at Chennai and transfer the same to the file of Family Court at Madurai to be heard along with H.M.O.P.No.802 of 2016 pending on the file of Family Court, Madurai.

5. Accordingly, this Transfer Civil Petition is allowed and the proceedings in H.M.O.P.No.4985 of 2014 is withdrawn from the file of the I Additional Family Court at Chennai and transferred to the file of Family Court, Madurai, for disposal in accordance with law. The I Additional Family Court, Chennai is directed to despatch the records in H.M.O.P.No.4985 of 2014 within a period of two weeks from the date of receipt of a copy of this order to Family Court at Madurai. The family Court, Madurai is directed to dispose of both H.M.O.P.No.4985 of 2014 and O.P.No.802 of 2016 within a period of six months from the date of receipt of records from the I Additional Family Court, at Chennai and report such disposal to this Court. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Judge,
I Additional Family Court, Chennai.
2. The Judge,
Family Court, Madurai.

+1 cc to Mr.N.Vallinayagam, Advocate, SR.No.52568

+1 cc to Mr.R.Saravanan, Advocate, SR.No.52640

**TR.C.M.P(MD)No.30 of 2017 and
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18.04.2017**

vsn

MKV-SKN/2.5.2017/2P-5C