



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.BASKARAN

Tr.C.M.P. (MD) .Nos.372 and 373 of 2017
and
C.M.P. (MD) .Nos.7636 and 7637 of 2017

Sudha ... Petitioner/Respondent
(Both Tr.C.M.P)
vs.

M.Satheesh Babu ... Respondent/Petitioner
(Both Tr.C.M.P)

Prayer in Tr.C.M.P(MD)No.372 of 2017: Petition filed under Section 24 of C.P.C to withdraw the case in H.M.O.P.No.46 of 2017 on the file of the Sub-Court, Ramanathapuram and to transfer the said case and tried along with H.M.O.P.No.510 of 2017 on the file of the Family Court, Madurai.

Prayer in Tr.C.M.P(MD)No.373 of 2017: Petition filed under Section 24 of C.P.C to withdraw the case in G.W.O.P.No.12 of 2017 on the file of the Principal District Court, Ramanathapuram and to transfer the said case and tried along with H.M.O.P.No.510 of 2017 on the file of the Family Court, Madurai.

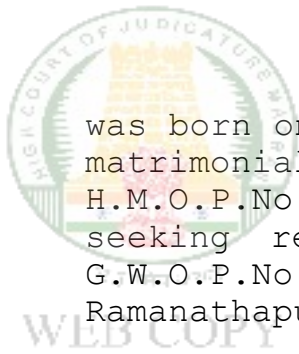
For Petitioner : Mr.C.Vakeeswaran
(Both Tr.C.M.P)

For Respondent : No appearance
(Both Tr.C.M.P)

COMMON ORDER

The petitioner/wife has come forward with these petitions seeking transfer of H.M.O.P.No.46 of 2017 and G.W.O.P.No.12 of 2017 pending from the file of Sub-Court, Ramanathapuram and the Principal District Court, Ramanathapuram respectively to the Family Court, Madurai to be tried along with H.M.O.P.No.510 of 2017 on the file of the Family Court, Madurai.

2. The petitioner/wife states that she got married with the respondent on 27.01.2010 and out of the wedlock, one female child



was born on 22.01.2012. Subsequently, due to harassment she left the matrimonial home on 14.01.2014 and thereafter, the respondent filed H.M.O.P.No.46 of 2017 on the file of the Sub-Court, Ramanathapuram seeking restitution of conjugal rights and he has also filed G.W.O.P.No.12 of 2017 on the file of the Principal District Court, Ramanathapuram to harass the petitioner herein.

3.The petitioner herein filed H.M.O.P.No.501 of 2017 on the file of the Family Court, Madurai seeking for divorce. It is further stated that the petitioner is an unemployed and she is depending on her parents without any source of income and it is very difficult for her to travel from Madurai to Ramanathapuram for the Court hearing. Hence she seeks transfer of H.M.O.P.No.46 of 2017 and G.W.O.P.No.12 of 2017 pending on the file of the Sub-Court, Ramanathapuram and the Principal District Court, Ramanathapuram respectively to the Family Court, Madurai.

4.Inspite of the notice served on the respondent in Tr.C.M.P.No.372 of 2017, the respondent has not appeared either in person or through his counsel. The learned counsel, who entered appearance for the respondent in Tr.C.M.P.No.373 of 2017 has not appeared before the Court.

5.In such circumstances, considering the reasons stated by the petitioner and the fact that she is not having any source of income and it is very difficult for her to travel to Ramanathapuram along with her minor child, this Court is inclined to entertain the petition.

6.Accordingly, these Transfer Civil Miscellaneous petitions are allowed and H.M.O.P.No.46 of 2017 and G.W.O.P.No.12 of 2017 pending on the file of the Sub-Court, Ramanathapuram and the Principal District Court, Ramanathapuram respectively, are ordered to be withdrawn and transferred to the file of the Family Court, Madurai to be tried along with H.M.O.P.No.510 of 2017. The Sub-Court, Ramanathapuram and the Principal District Court, Ramanathapuram are directed to transmit the entire records pertaining to the case in H.M.O.P.No.46 of 2017 and G.W.O.P.No.12 of 2017 to the transferee Court, within a week from the date of receipt of a copy of this order. As and when such records were received from the Courts below, the learned Judge, Family Court, Madurai is directed to dispose of H.M.O.P.No.46 of 2017, G.W.O.P.No.12 of 2017 along with H.M.O.P.No.510 of 2017 as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/



To

1. The Subordinate Judge,
Ramanathapuram.

2. The Principal District Judge,
Ramanathapuram.

3. The Presiding Judge,
The Family Court, Madurai.

+One cc to M/s.C.Vakeeswaran, Advocate, SR.No.83788

psd

RL/5C/3P/MR/KKR/SAR2/20/11/2017

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373 of 2017

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