



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
TR.CMP(MD)No.4 of 2017
& C.M.P(MD)No.297 of 2017

K.Rathnaveni

... Petitioner

Vs.

T.Ajaykumar

... Respondent

Prayer: Petition filed under Section 24 of Code of Civil Procedure to withdraw H.M.O.P.No.137 of 2016 from the file of Sub-Court, Nagercoil and transfer the same to the file of Sub-Court, Valliyoor to be tried along with H.M.O.P.No.115 of 2016.

For Petitioner : Mr.J.Padhmaavathy Devi
For Respondent : Mr.G.Aravinthan

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JUDGMENT

The wife has come before this Court seeking transfer of H.M.O.P.No.137 of 2016 filed by the respondent/husband seeking restitution of conjugal rights as the petitioner already filed H.M.O.P.No.115 of 2016 seeking divorce on the file of Sub-Court, Valliyoor.

2. Both the petitioner and the respondent got married on 14.11.2013 and the child was born on 27.10.2014. Since there is a dispute between the parties, they are living separately for the past eight months.

3. Since both the petitioner and the respondent have got objection for taking the case before Valliyoor and the petitioner has got no objection to transfer the proceedings to the Family Court, Tirunelveli, this Court is inclined to transfer both the cases in H.M.O.P.No.137 of 2016 on the file of Sub-Court, Nagercoil and H.M.O.P.No.115 of 2016 on the file of Sub-Court, Valliyoor, to the file of the Family Court, Tirunelveli and the Family Court, Tirunelveli, is directed to dispose of the same as per law. Till the matter is disposed of, the respondent/husband shall visit the child at All Women Police Station, Valliyoor, wherein the petitioner shall bring the child on the First Sunday of every month between 11.00 a.m to 01.00 p.m.

4. With the above directions, this petition is allowed. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar



To

1.The Subordinate Judge,
Nagercoil.

2.The Subordinate Judge,
Valliyoor.

3.The Judge ,
Family Court,
Tirunelveli.

+1cc to Ms.J.Padhmaavathy Devi Advocate in SR. No.9082

+1cc to Mr.G.Aravinthan,Advocate in SR. No.9072

gsr

js/sv/mms/28.02.2017/2p-6c

Tr.C.M.P (MD) .No.4 of 2017
17.02.2017