



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.BASKARAN

Tr.C.M.P(MD) .No.407 of 2017
and
C.M.P. (MD) .No.8215 of 2017

S.Maragathavalli

... Petitioner/ Respondent

vs.

T.Saravanan

... Respondent/ Petitioner

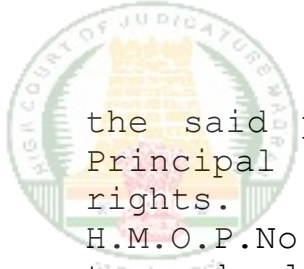
Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C to withdraw and transfer the case, in H.M.O.P.No.147 of 2017 on the file of the Principal Subordinate Court, Karur to be tried along with H.M.O.P.No.891 of 2017 and M.C.No.127 of 2017 on the file of the Family Court, Coimbatore.

For Petitioner : Mr.R.Aravind Raj
For Respondent : No Appearance

ORDER

The petitioner has come forward with this petition seeking to transfer H.M.O.P.No.147 of 2017 from the file of the Principal Subordinate Judge, Karur to be tried along with H.M.O.P.No.891 of 2017 and M.C.No.127 of 2017 on the file of the Family Court, Coimbatore.

2.The petitioner states that she got married to the respondent on 04.12.2013 and they lived together at Karur. Out of the wed lock a female child was born on 13.11.2004 and subsequently a male child was born on 30.08.2010. Due to personal dispute between the spouses, the petitioner was driven out of the matrimonial home during 2005. Subsequently, the respondent filed H.M.O.P.No.87 of 2005 seeking restitution of conjugal rights and she agreed for the same. Hence the said H.M.O.P.No.87 of 2005 was dismissed as per the compromise arrived at. Subsequently due to some misunderstanding arose between the spouses and as the petitioner was pushed up she lodged a criminal complaint before the All Women Police Station, Karur on 20.04.2009. Even thereafter as the petitioner was continuously tortured by the respondent, she filed H.M.O.P.No.891 of 2017 seeking dissolution of Marriage and M.C.No.127 of 2007 seeking maintenance before the Family Court, Coimbatore. The respondent, even after receiving the summons in



the said proceedings, filed H.M.O.P.No.147 of 2017, before the Principal Sub Judge, Karur, seeking restitution of conjugal rights. The petitioner had entered appearance in the said H.M.O.P.No.147 of 2017. The petitioner states that she is having two school going children and suffering from Asthma and as such, she finds it difficult to travel to Karur which is about 130 kilo meters away. Hence, she seeks transfer of the said above.

3.The respondent who refused the Court notice, has not appeared before the Court either in person or through counsel, in spite of Substituted service being effected.

4.Considering the reasons stated by the petitioner and the fact that the petitioner is not employed and she is taking care of two school going children and also the fact that two other proceedings are pending in the Family Court, Coimbatore, this Court is inclined to entertain this petition. The point is answered accordingly.

5.In the result, this petition is allowed and H.M.O.P.No.147 of 2017 is transferred from the file of the Principal Subordinate Court, Karur, to the file of the Family Court, Coimbatore to try along with H.M.O.P.No.891 of 2017 and M.C.No.127 of 2017 pending on the file of the Family Court, Coimbatore. The learned Judge, Family Court, Coimbatore, is directed to expedite the trial and dispose of the cases as early as possible. Consequently, connected Civil Miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Subordinate Judge, Karur.

2.The Judge, Family Court, Coimbatore.

+1cc to Mr.R.Aravind Raj, Advocate Sr.No.87982

TM

VB/JC/SAR4/14/12/2017/2P/4C

**Tr.C.M.P(MD) .No.407 of 2017 and
C.M.P. (MD) .No.8215 of 2017
17.11.2017**