



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.BASKARAN

Tr.C.M.P. (MD) .No.419 of 2017

and

C.M.P. (MD) .Nos.8545 and 8546 of 2017

Karthigai Selvi

... Petitioner/Respondent

vs.

M.Ramalingam @ Vijay

... Respondent/Petitioner

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P.No.175 of 2017 on the file of the Family Court Judge, Trichy and transfer the same to the Family Court Judge, Sivagangai so as to club the same with M.C.No.7 of 2017 on the file of the Family Court Judge, Sivagangai.

For Petitioner : Mr.K.P.Ramesh

For Respondent : No appearance

ORDER

The petitioner/wife has come forward with this petition seeking transfer of H.M.O.P.No.175 of 2017 pending on the file of Family Court Judge, Trichy to the Family Court Judge, Sivagangai to be tried along with M.C.No.7 of 2017 on the file of the Family Court, Sivagangai.

2.The petitioner/wife states that she got married with the respondent on 31.05.2012 and she lived with the respondent at Trichy. Subsequently, during the 7<sup>th</sup> month of pregnancy her parents took her to their house for delivery. There was some dispute between her and the respondent, as he was addicted to alcohol and he was not attending the work regularly and there was also dowry demand and she was tortured on that account. The petitioner gave birth to a first male child on 15.09.2014. Even after at the respondent failed to change him. Subsequently, she came to the matrimonial home and she was blessed with second male child on 01.02.2016. Thereafter unable to bear the cruelty treatments in the matrimonial home, she went along with two children to her parents home and she filed M.C.No.7 of 2017 on the file of family Court, Sivagangai, for maintaining her and two children and the same is pending before the Family Court, Sivagangai. The respondent has filed H.M.O.P.No.175 of 2017 on the file of the Family Court, Trichy, seeking restitution of conjugal rights. The petitioner states that she is unable to



travel from Sivagangai to Trichy which is nearly 350 kms away. Hence, she seeks transfer as stated above.

3. In spite of the fact that notice has been served to the respondent, he has not appeared either in person or through counsel.

4. Admittedly, M.C.No.7 of 2017 filed by the petitioner is pending on the file of the Family Court, Sivagangai and it is stated that the respondent is attending the said proceedings. The petitioner stated that she is not having any source of income and it is very difficult for her to travel to Trichy along with her two young boys. Hence she seeks transfer of H.M.O.P.No.175 of 2017 pending on the file of Family Court, Trichy to the file of Family Court, Sivagangai, so as to club the same with M.C.No.7 of 2017.

5. Accordingly, this Transfer Civil Miscellaneous petition is allowed and H.M.O.P.No.175 of 2017 pending on the file of the Family Court, Trichy is ordered to be withdrawn and transferred to the file of the Family Court, Sivagangai to be tried along with M.C.No.7 of 2017. The Family Court, Trichy is directed to transmit the entire records pertaining to the case in H.M.O.P.No.175 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 concerned Courts, the learned Judge, Family Court, Sivagangai is directed to dispose of H.M.O.P.No.175 of 2017, along with M.C.No.7 of 2017 as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To

1. The Judge, Family Court, Trichy
2. The Judge, Family Court, Sivagangai.

+2CC to Mr.K.P.Ramesh, Advocate, SR.No. 87250

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vsg