



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WEB COPY

Tr.C.M.P(MD)No.48 of 2017
and
C.M.P(MD)No.1245 of 2017

P.Mohana
Priya

... Petitioner

Vs.

N.Vigneshwaran

... Respondent

Petition filed under Section 24 of the Code of Civil Procedure 1908, to withdraw the case in H.M.O.P.No.5 of 2017 from the file of Subordinate Judge, Uthamapalayam and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.P.Gokulnath

For Respondent : Mr.G.Vanjinathan

ORDER

The petitioner who is the wife seeks to transfer H.M.O.P.No.5 of 2017 filed by the respondent-husband seeking restitution of conjugal rights from the Sub-Court, Uthamapalayam to the Family Court, Madurai.

2.It is the case of the petitioner that she is residing at Madurai and she is not able to travel Uthamapalayam to attend for every hearing. Hence, the present petition has been filed.

3.Mr.G.Vanjinathan, learned counsel for the respondent/husband would bring to the notice of this Court that earlier when the parties were directed to appear before this Court, though the petitioner-wife has agreed to live with her husband, after coming outside from the Court, the father and the brother of the petitioner-wife had threatened the respondent with dire consequences even in the presence of both the counsels. He would further contend that both the father and brother of his wife are working in the police department and therefore, the husband apprehends that he will not be allowed to conduct the trial in a peaceful manner.



4.Considering the above facts and circumstances and in view of the convenience of the parties, the proceedings in H.M.O.P.No.5 of 2017 on the file of the Sub-Court, Uthamayapalayam is withdrawn and transferred to the Sub-Court, Theni.

5.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, C.M.P.(MD)No.1245 of 2017 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Judge,Uthamapalayam.

2.The Subordinate Judge, Theni.

+1cc to Mr.P.Gokulnaath,Advocate, Sr No.50808

+1cc to Mr.G.Vanjinathan, Advocate, Sr No.50633

Tr.C.M.P(MD)No.48 of 2017
06.04.2017

MRM/RMI

MAS/MR/21.4.2017/2P.5C