



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.69 of 2017

and

C.M.P(MD)No.1711 of 2017

Vanitha

... Petitioner/Respondent/Wife

Vs.

Iyyappan

... Respondent/Petitioner/Husband

Prayer: Petition filed under Section 24 of Civil Procedure Code to withdraw the case in O.P.No.4215 of 2016 on the file of the Family Court, Chennai and transfer the same to the Sub Court, Theni and club the same with H.M.O.P.No.6 of 2017 on the file of the Sub Court, Theni.

For Petitioner : Mr.B.Jeyakumar
For Respondent : No appearance

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O R D E R

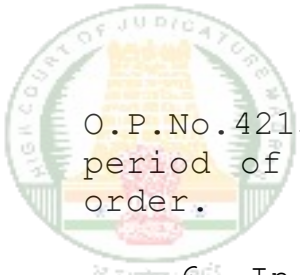
The wife, who is the respondent in O.P.No.4215 of 2016 before the Family Court, Chennai, is the petitioner. She seeks transfer of the said proceedings to the file of the Sub Court, Theni.

2. According to her, she has instituted H.M.O.P.No.6 of 2017 seeking restitution of conjugal rights on the file of the Sub Court, Theni and the same is pending.

3. Even in the Original Petition filed before the Family Court, Chennai, the wife is shown to be residing at No.81/40, Ambhasamuthiram, Govinda Nagaram Post, Theni.

4. Though the respondent/husband has been served on 10.03.2017, he has neither chosen to appear in person nor he has engaged a Counsel duly instructed.

5. Considering the convenience of the petitioner/wife, the proceedings in O.P.No.4215 of 2016 are withdrawn from the file of the Family Court, Chennai and transferred to the file of the Sub Court, Theni. The same to be tried along with H.M.O.P.No.6 of 2017. The Family Court, Chennai, is directed to transmit the papers in



O.P.No.4215 of 2016 to the file of the Sub Court, Theni, within a period of two weeks from the date of receipt of a copy of this order.

6. In the result, this Transfer Civil Miscellaneous Petition is ordered as above. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1.The Presiding Judge,
The Family Court, Chennai.

2.The Subordinate Judge, Theni

Tr.C.M.P (MD) No.69 of 2017
and
C.M.P (MD) No.1711 of 2017
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