



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 23.06.2017

CORAM

THE HONOURABLE MR. JUSTICE R. SUBRAMANIAN

WEB COPY

TR.C.M.P (MD) No.53 of 2016
and
C.M.P (MD) No.1098 of 2016

S.Meena @ Ariyanatchiyar ... Petitioner/Respondent

vs.

V.Raja @ Chitralingam ... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying this Court to withdraw and transfer H.M.O.P.No.56 of 2015 from the file of Family Court, Sivagangai to Family Court, Madurai.

For Petitioner : Mr.M.Mohamed Rafi

For Respondent : Mr.T.Kumar

ORDER

The wife, who is the respondent in H.M.O.P.No.56 of 2015, on the file of Family Court, Sivagangai, seeks transfer of the said proceedings to the file of Family Court, Madurai.

2.Though Transfer sought for by the wife is on the ground of convenience, from the records, it is seen that the husband had earlier filed H.M.O.P.No.59 of 2014, on the file of Family Court at Madurai, wherein, he has given his address as Five Ft. Compound, Otha Veedu, Karuppayoorani, Madurai North Taluk, Madurai District . It is specifically stated in the said proceedings that the spouses lived in Madurai. The said petition was filed for restitution of conjugal rights. For the reasons best known, the husband has chosen to withdraw the said proceedings and has now filed H.M.O.P.No.56 of 2015, on the file of Family Court, Sivagangai stating that the parties resided together at Sivagangai. Even in the Original Petition in H.M.O.P.No.56 of 2015, wife is shown to be a resident of Madurai.

3.According to the learned counsel, the second petition filed at Sivagangai is motivated and designed to drag the wife to Sivagangai Court. The Court at Sivagangai being a Family Court, the presence of the parties for every hearing is also necessary.



4.Considering the above facts and circumstances and considering the convenience of the wife, this Transfer Civil Miscellaneous Petition is allowed and the Petition in H.M.O.P.No.56 of 2015 is withdrawn from the file of Family Court, Sivagangai and transferred to the file of Family Court, Madurai. The Family Court, Sivagangai is directed to despatch the records in H.M.O.P.No.56 of 2015 to Family Court, Madurai within a period of two weeks from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

1.The Judge,
Family Court,
Sivagangai.

2.The Judge,
Family Court,
Madurai.

+1cc to Mr.M.Mohammed Rafi, Advocate, SR.62079

+1cc to Mr.T.Kumar, Advocate, SR.62080

TR.C.M.P (MD) No.53 of 2016
and
C.M.P (MD) No.1098 of 2016
23.06.2017

VSN

KK/SKN RSK/SAR3/04.07.2017/2P-5C