



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2017

WEB COPY

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.563 of 2016

and

C.M.P(MD)No.11940 of 2016

C.Rashmi Priyankhaa

... Petitioner/Wife

Vs.

K.Mahendran

... Respondent/Husband

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the petition for restitution of conjugal rights filed by the respondent herein in H.M.O.P.No.607 of 2015 on the file of the Family Court, Coimbatore and to transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr. M.Ramasubramanian

For Respondent : Mr. R.Alagumani

ORDER

The petitioner/wife has come before this Court seeking to withdraw the petition for restitution of conjugal rights filed by the respondent herein in H.M.O.P.No.607 of 2015 on the file of the Family Court, Coimbatore and to transfer the same to the file of the Family Court, Madurai.

2. The petitioner is the wife and the respondent is the husband and they had got married on 01.06.2014 at Tamilnadu Chamber of Commerce Auditorium, Kamaraj Salai, Madurai, as per the Hindu Rites and Customs. After the marriage, both were living together as husband and wife in the matrimonial home at Chennai. Due to misunderstanding, they are living separately. Therefore, the petitioner filed H.M.O.P.No.475 of 2015 before the Family Court, Madurai, for divorce. While so, the respondent filed H.M.O.P.No.607 of 2015 for restitution of conjugal rights, on the file of the Family Court, Coimbatore. The petitioner filed this



petition to transfer H.M.O.P.No.607 of 2015 filed by the respondent/husband to be tried along with H.M.O.P.No.475 of 2015, to avoid conflicting of judgments being rendered and for the convenience of the wife, who is to be given preference.

3. The petitioner/wife is residing along with her parents at Madurai. The distance between Madurai and Coimbatore is more than 500 Kilometers to and fro, and there is no male assistance to accompany her for each and every hearing of the case at Coimbatore. Further, the parents of the petitioner are suffering from various ailments and the petitioner is not having any independent source of income to take care of their day-to-day affairs. Hence, the petitioner has come out with the present petition for the relief stated supra.

4. Heard the learned Counsel for the petitioner/wife and the learned counsel for the respondent/husband and perused the materials available on record.

5. Therefore, H.M.O.P.No. 607 of 2015 on the file of the Family Court, Coimbatore, is withdrawn and transferred to the Family Court, Madurai, to be tried along with H.M.O.P.No.475 of 2015.

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

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judge,
Family Court,
Coimbatore.
2. The Judge,
Family Court,
Madurai.

+1cc to Mr.M.Ramasubramanian, Advocate Sr.No.16148

SSS

VB/JC/06.04.2017/2P/4C

Tr.C.M.P (MD) No.563 of 2016
and

C.M.P (MD) No.11940 of 2016
21.03.2017