



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2018

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WEB COPY

**THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN**

Tr.C.M.P.(MD).Nos.115 and 132 of 2018  
and

C.M.P.(MD).No.2519 of 2018 in Tr.C.M.P(MD).No.115 of 2018  
C.M.P.(MD)Nos. 2871 of 2018 in Tr.C.M.P(MD).No.132 of 2018

**Tr.C.M.P(MD).No.115 of 2018:**

S.Meenakshi .. Petitioner/Respondent

**Vs.**

K.Senthil Vinayagam .. Respondent/Petitioner

**PRAYER:** This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw of H.M.O.P.No.7 of 2018 from the file of Subordinate Judge, Ramanathapuram and transfer it to the file of the Family Court, Madurai to be tried along with H.M.O.P.No.98 of 2018 according to the facts and merits.

For Petitioner: M/s.A.Hafiza  
For Respondent: Mr.K.R.Laxman

**Tr.C.M.P(MD).No.132 of 2018:**

K.Senthil Vinayagam .. Petitioner/Respondent

**Vs.**

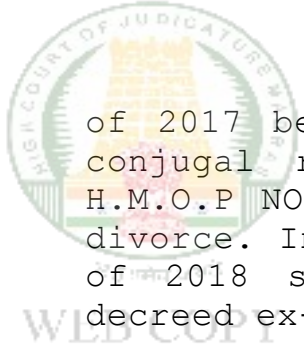
S.Meenakshi .. Respondent/Petitioner

**PRAYER:** This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the H.M.O.P.No.98 of 2018 on the file of Family Court, Madurai to transfer the same to the Sub Court, Ramanathapuram.

For Petitioner: Mr.K.R.Laxman  
For Respondent: M/s.A.Hafiza

**C O M M O N   O R D E R**

The parties herein got married to each other on 04.09.2014. A child has also born. The marital relationship between them came under strain. Therefore, the husband initially filed H.M.O.P. 74



of 2017 before the Sub Court, Ramanathapuram for restitution of conjugal rights. Subsequently he withdrew the same and filed H.M.O.P NO. 7 of 2018 before the Sub Court, Ramathapuram seeking divorce. In the meanwhile, the wife Meenakshi filed H.M.O.P.No.98 of 2018 seeking restitution of conjugal rights. The same was decreed ex-parte.

2. The learned counsel appearing for the husband submits that the husband has filed I.A.No.309 of 2018 for setting aside the ex-parte order passed in H.M.O.P.No.98 of 2018 and that enquiry in the said Interlocutory Application is posted to 30.10.2018.

3. I am of the view that since the wife is having a child to support and she is residing in Silaiman, it would be better to transfer H.M.O.P. 7 of 2018 to Madurai. The husband has filed a set aside application in I.A. NO. 309 of 2018. The Family Court Judge, Madurai, shall allow the same and permit the husband to contest the case in H.M.O.P.No.98 of 2018 on merits. H.M.O.P.No.7 of 2018 is withdrawn from the file of the Sub Court, Ramanathapuram and transferred to Family Court, Madurai to be tried along with H.M.O.P.NO.98 of 2018.

4. In the result, Tr.C.M.P.(MD) No.115 of 2018 is allowed. Tr. C.M.P.(MD) No.132 of 2018 is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar (CS-IV)

**To**

1.The Judge, Family Court, Madurai.

2.The Sub Judge, Ramanathapuram.

+ 1 CC TO MR.K.R.LAXMAN, ADVOCATE IN SR NO.79809

CM

BU/RSK/SAR-IV : 10.10.2018 : 2P/4C