



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Tr.C.M.P. (MD) No.95 of 2018

S.Jayasingh ... Petitioner /Defendant
Vs.

G.Kalpana ... Respondent/Plaintiff

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw the case on the file of the Family Court, Puducherry in O.S.No.4 of 2018 and transfer the same to learned Principal District Judge, Thoothukudi to try along with the case in Spl.O.P.No.28 of 2018.

For Petitioner : Mr.S.Prasanth

For Respondent : No Appearance

ORDER

This transfer petition has been filed by the petitioner / husband to withdraw the case on the file of the Family Court, Puducherry in O.S.No.4 of 2018 and transfer the same to learned Principal District Judge, Thoothukudi to try along with the case in Spl.O.P.No.28 of 2018.

2. The brief facts of the case is that the petitioner/husband and the respondent / wife got married on 04.09.2008 and lived together at Hyderabad for 2½ years. They blessed with a female child on 07.06.2009 and a male child on 15.06.2015. Due to some misunderstanding between them, the respondent went missing with children. The petitioner herein filed HCP(MD)No.1828 of 2017 before this Court and on 17.01.2018, the respondent appeared before this Court. The said Habeas Corpus petition was referred to Tamilnadu Mediation and Conciliation Centre, attached to this Court which is still pending for settlement. Already, the respondent has filed a divorce petition in O.S.No.4 of 2018 before the Family Court, Puducherry on 13.12.2017. The petitioner has filed a petition for restitution of conjugal rights in Spl.O.P.No.28 of 2018 before the Principal District Court, Thoothukudi, on 23.01.2018 and the same is pending. Now the petitioner wants to transfer the case in O.S.No.4 of 2018 on the file of the Family Court, Puducherry to learned Principal District



Judge, Thoothukudi to try along with the case in Spl.O.P.No.28 of 2018.

3. Heard the learned counsel appearing for the petitioner. Though the name of the respondent is printed in the cause list, there is no representation for the respondent.

4. Considering the facts and circumstances of this case,

(a) this transfer petition is allowed and the case in O.S.No.4 of 2018 on the file of the Family Court, Puducherry is directed to be transferred to learned Principal District Judge, Thoothukudi to try along with the case in Spl.O.P.No.28 of 2018.

(b) the petitioner is directed to pay a sum of Rs.2,000/- for the appearance before the Principal District Court, Thoothukudi to the respondent / wife, where the petitioner has already filed a petition to restitution of conjugal rights.

(c) The Principal District Court, Thoothukudi is directed to dispose of both the cases within a period of three months without giving any adjournments to either parties.

No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court,
Puducherry.

2. The Principal District Judge,
Thoothukudi.

+ 1 cc TO Mr.S.Prasanth , Advocate in SR No. 60413

pnn

AE/KKR/SAR4/20.04.2018/2P/4C

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