



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

TR CMP(MD)Nos.363 & 381 of 2018

and

CMP(MD)Nos.8740 & 9286 of 2018

S.Akshaya

... Petitioner in TR CMP(MD)No.363 of
2018 & Respondent in TR CMP(MD)
No.381/18

Vs.

B.Selvavignesh

... Respondent in TR CMP(MD)No.363/18
& Petitioner in TR CMP(MD)No.381/18

Prayer in TR CMP(MD)No.363 of 2018 : This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the HMOP No.315 of 2018 from the file of the Family Court, Trichirappalli to the Family Court, Karaikkal to try along with the MOP No.49 of 2018.

Prayer in TR CMP(MD)No.381 of 2018 : This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer MOP No.49 of 2018 from the file of the Family Court, Karaikkal to the Family Court, Trichirappalli to conduct enquiry along with HMOP No.315 of 2018 which is pending before the Family Court, Trichirappalli.

For Petitioner in TR CMP(MD)No.363/2018 &
For Respondent in TR CMP(MD)No.381 of 2018
: Mr.A.Chandrakumar

For Petitioner in TR CMP(MD)No.381/2018 &
For Respondent in TR CMP(MD)No.363 of 2018
: M/s.T.Banumathy

COMMON ORDER

One Selvavignesh got married to Akshaya on 27.08.2017. It appears that the marital relationship between the parties had come under strain immediately thereafter. Therefore, Selvavignesh filed HMOP No.315 of 2018 before the Family Court, Trichirappalli seeking divorce. Akshaya filed MOP No.49 of 2018 on the file of the Family Court, Karaikal for restitution of conjugal rights.

2.In the very nature of things, both the O.Ps will have to be tried together. I am of the view that the one filed by the <https://hcsr.cse.mca.gov.in/hcsr/queries/> transferred. Hence, this court withdraws HMOP No.315 of 2018 on the file of the Family Court, Trichirappalli and transfers the same to the Family court, Karaikal for being jointly



tried along with MOP No.49 of 2018. Accordingly, TR CMP(MD)No.363 of 2018 is allowed and TR CMP(MD)No.381 of 2018 is dismissed.

3.At this stage, the learned counsel appearing for the husband expressed some serious misgivings regarding his safety at Karaikal. The counsel for the wife assured the court that neither Akshaya nor her father would conduct themselves in any manner which may give rise to embarrassment in future to the husband and her relatives. The learned counsel for the husband also informs the court that a complaint has been given against the sister of Selvavignesh before the Karaikkal Police. The counsel for the wife on instructions submitted that the wife would not press the said complaint and that the sister of Selvavignesh will not be put embarrassment by being called upon to appear before the police authorities. The said undertaking given by the wife is recorded. In fact, the TR CMP filed by the wife is allowed because such undertaking has been given.

4.Selvaganesh is working in Madurai District. Therefore, he need not appear in person before the Family Court, Karaikal. He can be represented through counsel on all hearing dates. He needs to appear only on counselling dates and on those days when for his examination as witness, his presence is necessary and imperative. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Family Court Judge, Trichirappalli.

2.The Family Court Judge, Karaikal.

+2cc to Mr.A.Chandrakumar, Advocate Sr.No.93095&90299

+1cc to M/s.T.Banumathy, Advocate Sr.No.93143

SKM

KM/SKN/SAR3/05.12.2018/2P/6C

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