



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2018

CORAM

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THE HONOURABLE MR. JUSTICE M.V.MURALIDARANTr.C.M.P. (MD).No. 171 of 2018
and C.M.P. (MD) No.4100 of 2018

Arunmozhi

.. Petitioner/Petitioner

Vs.

Karthik

.. Respondent/Respondent

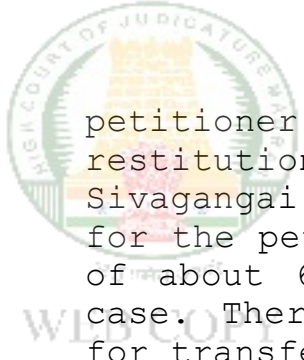
PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.1648 of 2017 on the file of the Additional Family Court, Coimbatore and transfer the same to the Family Court, Sivagangai and to be tried jointly with H.M.O.P. No.364 of 2017.

For Petitioner : Mr.G.Arjunan
For Respondent : Mr.G.Aravinthan**O R D E R**

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the H.M.O.P.No.1648 of 2017 on the file of the Additional Family Court, Coimbatore and transfer the same to the Family Court, Sivagangai to be tried jointly with H.M.O.P. No.364 of 2017.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 23.06.2016 at Seeniappa Nadar - Palaniyammal Marriage Hall, Bye-Pass Road, Manamadurai, Sivagangai District. After the marriage, both of them lived happily in Coimbatore and Chennai. Thereafter, the respondent and her in-laws tortured the petitioner. The respondent and her in-laws additionally demanded 20 sovereigns of gold and dowry of Rs.3 lakhs from her parents. After that, the petitioner went to parent's house in Manamadurai, Sivagangai District. The respondent never contacted the petitioner, through phone or in person and the respondent avoided her phone calls.

3. In the meantime, the respondent has filed a petition with <https://hcservices.ecourts.gov.in/hcservices/> raise allegations in H.M.O.P No.1648 of 2017 seeking divorce before the learned Additional Family Judge, Coimbatore. The



petitioner also filed a petition in H.M.O.P. No.364 of 2017 for restitution of conjugal rights before the Family Court, Sivagangai. He would further contend that it is very difficult for the petitioner to travel to Coimbatore, which has the distance of about 600 kms., for attending each and every hearing of the case. Therefore, she has come forward with the present petition for transfer.

4. Heard the learned Counsel appearing for the petitioner and the respondent and perused the materials available on record.

5. The case of the respondent is that he is working at Coimbatore and therefore, he has filed a divorce petition in H.M.O.P. No.1648 of 2017 before the Family Court, Coimbatore. In the event of the case being transferred to Sivagangai, it will cause irreparable loss to the respondent and he cannot attend his work. Apart from this, the learned counsel appearing for the respondent would submit that, if the Court decides to transfer the HMOP No.1648 of 2017, both the H.M.O.Ps may be ordered to be transferred to any other District, which is convenient to both the parties to attend the hearing. The learned counsel appearing for the petitioner also accepts the same.

6. Accordingly, this petition is allowed with the following directions:

1. The HMOP No.364 of 2017 pending on the file of Family Court, Sivagangai and HMOP No.1648 of 2017 which is pending on the file of the Additional Family Court, Coimbatore are transferred to Family Court, Madurai.
2. Both the learned Judge, Family Court, Sivagangai and learned Judge, Additional Family Court, Coimbatore are directed to transmit the entire records in H.M.O.P.No.364 of 2017 and H.M.O.P. No.1648 of 2017 to the file of the Family Court, Madurai, within a period of two weeks from the date of receipt of copy of this order.
3. The learned Judge, Family Court, Madurai, after obtaining the records from both Courts on transfer, is directed to try and dispose of both the HMOPs, within a period of three months thereafter, in accordance with law.
4. The appearance of the respondent is dispensed with except on the hearings specifically insisted upon by the learned Judge, Family Court, Madurai.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)



To

1. The Judge,
Family Court,
Sivagangai.

2. The Judge,
Additional Family Court,
Coimbatore.

3. The Judge,
Family Court,
Madurai.

+ 1 CC TO Mr.G.ARAVINTHAN, ADVOCATE IN SR No. 67176

+ 1 CC TO Mr.A.ARPUTHARAJ, ADVOCATE IN SR No. 67180

STS

TE/AE/SAR-2 : 13/07/2018 : 3P/6C

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