



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2018

WEB COPY

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

TR.C.M.P.[MD]No.211 of 2018
and
C.M.P.[MD]No.5159 of 2018

Uthamakannan : Petitioner

Vs.

Seetha Laxmi : Respondent

PRAYER: Civil Revision Petition is filed under Section 24 of the Code of Civil Procedure, praying to withdraw H.M.O.P.No.63 of 2018 on the file of the Principal Sub-Court, Trichy and to transfer the same to the file of Family Court, Dindigul for trial along with the H.M.O.P.No.214 of 2017.

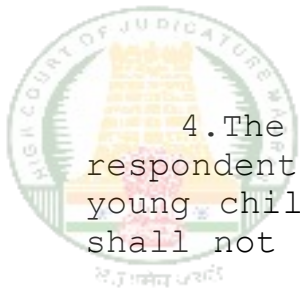
For Petitioner : Mr.D.Venkatesh
For Respondent : Mr.K.Kavinkaran

O R D E R

The petitioner herein is the husband of the respondent. They got married on 19.05.2016. The petitioner filed H.M.O.P.No.91 of 2017 for divorce. At the instance of the respondent, the said H.M.O.P. was transferred from Principal Sub Court, Tenkasi, to Family Court, Dindigul. It has been now re-numbered as H.M.O.P.No.214 of 2017. Thereafter, the respondent filed H.M.O.P.No.63 of 2018 before the Principal Sub Court, Trichy. This is for restitution of conjugal rights.

2.The learned Counsel for the petitioner submits that when the petitioner had already got transfer of his case from Tenkasi to Dindigul, it is not fair on the part of the respondent to file another proceeding before the Trichy Subordinate Court.

3.This Court is in agreement with the said submission. Therefore, H.M.O.P.No.63 of 2018 is withdrawn from the file of the Principal Sub Court, Trichy and transferred to the Family Court, Dindigul, to be tried along with H.M.O.P.No.214 of 2017.



4.The learned Counsel for the respondent submits that the respondent is presently residing at Madurai and she has got a young child to take care. Therefore, the Family Court, Dindigul shall not insist on the personal appearance of the respondent.

5.The Family Court, Dindigul shall permit the respondent to be represented through her Counsel. The Family Court, Dindigul shall endeavour to dispose of both H.M.O.Ps as expeditiously as possible.

6.With these observations, the Transfer CMP is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Principal Subordinate Judge,
Trichy.

2. The Judge, Family Court,
Dindigul.

+ 1 CC TO Mr.D.VENKATESH, ADVOCATE IN SR No. 80871

+ 1 CC TO Mr.K.KEVIN KARAN, ADVOCATE IN SR No. 81065

MR

TE/PM/SAR-3 : 05/10/2018 : 2P/5C

ORDER MADE IN
TR.C.M.P.[MD]No.211 of 2018
28.08.2018