



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.07.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

WEB COPY

Tr.C.M.P.(MD).No.218 of 2018 and
C.M.P.(MD).No.5330 of 2018

T. Haripriya

... Petitioner

Vs.

S.P. Chellapandi

... Respondent

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 C.P.C to withdraw the case in HMOP.No.33 of 2018 on the file of the Family Court, Sivagangai and transfer the same to the Sub Court, Theni.

For Petitioner : Mr.M.A.M. Raja
For Respondent : Mr. G. Mathavan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in HMOP.No.33 of 2018, on the file of the Family Court, Sivagangai and transfer the same to the Sub Court, Theni.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 19.06.2015 as per the Hindu Rites and Customs. Due to the mis-understanding, the petitioner sent out from the matrimonial home. Thereafter, the respondent / husband filed HMOP.No.33 of 2018, for divorce, on the file of the Family Court, Sivagangai. Subsequently, the petitioner / wife has filed HMOP.No.129 of 2018, on the file of the Sub Court, Theni, for restitution of conjugal rights.

3. Now, the petitioner is residing at Theni with her aged parents. The distance between Theni and Sivagangai is approximately 180 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.33 of 2018, pending on the file of the Family Court, Sivagangai. Further, there is no one to accompany with her to travel such a long distance to attend H.M.O.P.No.33 of 2018, before the Family Court, Sivagangai.. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.33 of 2018, on the file of the Family Court, Sivagangai to the Sub Court, Theni, to be tried along with HMOP.No.129 of 2018.



4. The learned counsel appearing for the respondent submitted that the respondent is having a life threat, where the petitioner is living and hence, both the HMOPs may be transferred to the Family Court, Madurai, which is a middle place for both sides, for which, the learned counsel appearing for the petitioner has no objection.

5. I have heard the learned counsel appearing on either side.

6. In view of the above submission, this petition is disposed of with the following directions:

(a) Both the learned Judge, Family Court, Sivagangai and the learned Subordinate Judge, Theni, are directed to transmit the entire records pertaining to the case in the HMOP.Nos.33 of 2018 and 129 of 2018, respectively pending on their file, to the Family Court, Madurai, within a period of two weeks from the date of receipt of a copy of this order, if the same is not yet disposed of.

(b) The learned Judge, Family Court, Madurai, after obtaining the entire records on transfer, is directed to dispose of both the HMOPs, by way of joint trial, within a period of three months, thereafter.

No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Family Court, Sivagangai.
- 2.The Sub Court, Theni.
- 3.The Family Court, Madurai.

+1CC to Mr.M.A.M. Raja, Advocate, SR.No.74281
+1CC to Mr. G. Mathavan, Advocate, SR.No.74456

Tr.C.M.P. (MD) .No.218 of 2018 and
C.M.P. (MD) .No.5330 of 2018
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TRP