



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

TR. C.M.P(MD).No. 416 of 2017

and

C.M.P(MD)No. 8484 of 2017

R. Madhumathi

...

Petitioner

Vs.

D.Rajkumar

...

Respondent

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, praying to withdraw and transfer the O.P. No.2898 of 2017 on the file of the Family Court, Chennai and transfer to Principal Subordinate Court, Dindigul and to try along with the H.M.O.P. No.79 of 2017 on the file of the Principal Subordinate Court, Dindigul.

For Petitioner : M/s.A. Arul Jenifer

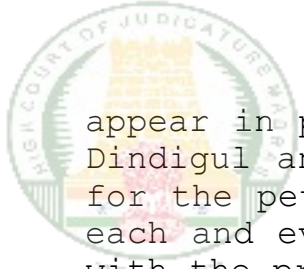
For Respondent : Mr. K. Vinayagan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw and transfer the O.P. No.2898 of 2017 on the file of the Family Court, Chennai and transfer to Principal Subordinate Court, Dindigul and to try along with the H.M.O.P. No.79 of 2017 on the file of the Principal Subordinate Court, Dindigul.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 04.09.2014 at Sri Soundaraja Perumal Kovil, Thadikombu, Dindigul District. After marriage, both of them lived happily in matrimonial abode at Chennai. The respondent's parents has insulted the petitioner. The petitioner was harassed by the respondent and was made to met out the cruelty caused by the respondent. Thereafter, the petitioner went to her parent's home.

3. On 05.06.2017, the respondent has issued a legal notice to the petitioner demanding mutual consent of divorce with false allegation. In the meantime, the petitioner has filed a petition for the restitution of conjugal rights in H.M.O.P. No.79 of 2017 before the Principal Subordinate Court, Dindigul. On receiving the notice in the above HMOP the respondent has filed O.P. No.2898 of 2017 for divorce dissolving the marriage between the petitioner and the respondent before the Family Court, Chennai with false allegations and Court notice has been issued to the petitioner to



appear in person. He would further contend that the distant between Dindigul and Chennai comes around 500 Kms and it is very difficult for the petitioner to travel from Dindigul to Chennai 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 as well as the respondent and perused the materials available on record.

5. The learned counsel appearing for the respondent submitted that the case may be transferred to middle place of Trichy between Dindigul. The absolute view of the Court is that the respondent ought to have appear in H.M.O.P. No.79 of 2017 which is pending on the file of the Principal Subordinate Court, Dindigul and therefore, no prejudice will be caused to the respondent to transfer the O.P. No.2898 of 2017 on the file of the Family Court, Chennai to Principal Subordinate Court, Dindigul.

6. Hence, I am inclined to allow the present petition with the following directions:

(i) *The learned Judge, Family Court, Chennai, is directed to transmit the entire records in O.P.No.2898 of 2017 to the file of the learned Principal Subordinate Judge, Dindigul within a period of two weeks from the date of receipt of copy of this order.*

ii) *The learned Principal Subordinate Judge, Dindigul after obtaining the records on transfer, is directed to try along with H.M.O.P.No.79 of 2017 and dispose of both the cases, within a period of three months thereafter, in accordance with law.*

No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

1. The Judge,
Family Court,
Chennai.



2. The Principal Subordinate Court,
Dindigul.

+1cc to Mr.A.ARUL JENIFER, Advocate, SR.No. 71432

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