



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:03.09.2018
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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Tr.C.M.P (MD) No.303 of 2018
and
C.M.P. (MD) No.7385 of 2018

S.Sowmya Devi

...Petitioner/Respondent

-vs-

R.Hemanth Kumar

...Respondent/Petitioner

Prayer: Petition-filed under Section 24 of the Civil Procedure Code, 1908, to withdraw the case in H.M.O.P.No.67 of 2018 on the file of the III Additional Sub Court, Madurai, Madurai District and transfer the same to the Sub Court, Sivakasi, Virudhunagar District.

For Petitioner : Mr.M.Jothi Basu

For Respondent : Mr.P.Santhanakrishnan

ORDER

The petitioner herein got married to the respondent on 16.09.2015. The marriage relationship appears to have come under strain. Therefore, the respondent filed H.M.O.P.No.67 of 2018 before the III Additional Sub Court, Madurai seeking restitution of conjugal rights. The Petitioner is based in Sattur. The petitioner has a child to take care. It will be difficult for the petitioner to come to Madurai and contest the proceedings. Therefore, H.M.O.P.No.67 of 2018 of is withdrawn from the file of the Third Additional Sub Court, Madurai and transferred to Sub Court, Sivakasi.

2.Before taking up the matter, it was brought to my notice that the petitioner has filed D.V.No.17 of 2017 before the learned Judicial Magistrate No.II, Sattur arraying as many as 10 members of the family as the respondents.

3.The learned counsel appearing for the respondent lamented that even the respondent's brother, who is in Andaman has been made as a respondent. Thereupon, the learned counsel, on instructions of the petitioner submitted that the petitioner shall confine her DV action only to the respondents 1 and 2, namely, her husband and father-in-law. In other words, she will withdraw her complaint as against other respondents.



4.This undertaking given by the petitioner's counsel on instructions of the petitioner is placed on record. Since the undertaking is given, this Tr.C.M.P. is allowed as prayed for. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar(AS)

Sub Assistant Registrar(CS-II)

To

1. The III Additional Sub Judge, Madurai, Madurai District
2. The Sub Judge, Sivakasi, Virudhunagar District.
- 3.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai. **(2 Copies)**

+1CC to M/s.G.M.Law Office, Advocate, SR.No. 81890

+2CC to Mr.P.Santhanakrishnan, Advocate, SR.No.82081

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