



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Tr.C.M.P. (MD) No.457 of 2016

and

C.M.P. (MD) No.9146 of 2016

Lakshmi

...Petitioner / Respondent

-vs-

P.Rajkumar

... Respondent/ Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the H.M.O.P.No.922 of 2015 from the file of the Hon'ble Family Court, Madurai and transfer the same to the Hon'ble Sub Court at Periyakulam for clubbing the same with H.M.O.P.No.31 of 2016 which is filed by the petitioner seeking for restitution of conjugal rights.

For Petitioner : Mr.M.Karuppasamyandian

For Respondent : Mr.M.Ponniah

ORDER

The petitioner is the wife. The parties got married on 03.07.2011. The relationship between the parties came under strain. The respondent filed H.M.O.P.No.922 of 2015 seeking divorce. The petitioner appears to have filed H.M.O.P. for restitution of conjugal rights before the Periyakulam Sub Court.

2.The learned counsel for the petitioner submits that the petitioner is not employed. She is a young women and it is difficult for her to travel from Periyakulam to Madurai for contesting the present proceedings. Since the petitioner has filed a petition to restore the conjugal rights, in the very nature of things, both petitions will have to be jointly tried.

3.At this stage, the learned counsel for the respondent pointed out that H.M.O.P. for restitution has been dismissed for default and he is not aware as to whether an application to restore the same has been filed. If such application is filed, the learned trial Judge is bound to restore the same.

4.Since the person seeking trasnsfer is the wife, this Court adopts an indulgent approach, more so, considering the facts and circumstances of the case. H.M.O.P.922 of 2015 is withdrawn from the file of Family Court, Madurai and transferred to the Sub Court, Periyakulam.



5.This Transfer Civil Miscellaneous Petition is allowed accordingly. Consequently, connected miscellaneous petition is closed.

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/True Copy/

Sd/-
Assistant Registrar(CS-III)

Sub Assistant Registrar(CS-I)

To

- 1.The Judge, Family Court, Madurai.
- 2.The Sub Court, Periyakulam.

Copy To:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**

+1CC to Mr.M.Karuppasamyandian, Advocate, SR.No.79585
+1CC to Mr.M.Ponniah, Advocate, SR.No.79755

Tr.C.M.P. (MD) No.457 of 2016
21.08.2018

TA
ES/PM/SAR 1/26.09.2018/2P/7C