



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

TR.C.M.P. (MD) No.316 of 2018

and

C.M.P. (MD) No.7807 of 2018

Kaleeswari	... Petitioner/1 st Respondent
	-Vs-
1.Pancharaja	... Respondent/Petitioner
2.Umar Kaththab	... Respondent/2 nd Respondent

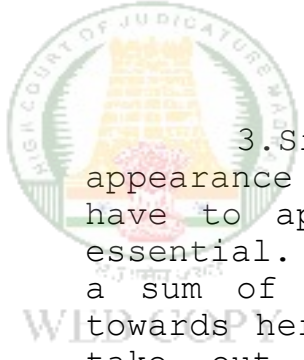
Prayer: This Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the H.M.O.P.No.13 of 2018 pending before the Sub-Court, Periyakulam and to transfer the same to the Family Court, Madurai.

For Petitioner	: Mr.B.Senthil Kumar
For R1	: Mr.S.Ayyanar Premkumar
For R2	: No Appearance

ORDER

The petitioner got married to the first respondent herein on 24.03.2006 at Periyakulam. Two children were born through wedlock. Marital relationship has come under strain. Some serious allegations were made against the petitioner herein by the husband. The husband filed H.M.O.P.No.13 of 2018 before the Sub Court, Periyakulam. The petitioner filed H.M.O.P.No.203 of 2018 before the Family Court, Madurai, seeking restitution of conjugal rights. She has also filed M.C.No.68 of 2018 before the Family Court, Madurai. The wife wants to transfer H.M.O.P.No.13 of 2018 from the Sub Court, Periyakulam to Madurai.

2.I am not in a position to accept the said request for more reasons than one. Admittedly, two girl children born to the petitioner are with the first respondent. The petitioner is not employed. On the other hand, the first respondent is employed in TASMACH. Therefore, instead of transferring the case filed by the husband, this Court transfers H.M.O.P.No.203 of 2018 from the file of the Family Court, Madurai to the Sub Court, Periyakulam to be tried jointly with H.M.O.P.No.13 of 2018.



3. Since it is only a Sub Court, the petitioner's personal appearance is not necessary on all occasions. Of course, she may have to appear for counselling and as and when her presence is essential. On such dates, the first respondent / husband shall pay a sum of Rs.500/- (Rupees Five Hundred Only) to the petitioner towards her travel expenses. It is also open to the petitioner to take out an application in the said H.M.O.P.No.203 of 2018, directing the first respondent to pay her litigation expenses and for other reliefs.

4. With this direction, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (cs-II)

// True Copy //

Sub Assistant Registrar (CS-I)

To

1. The Subordinate Judge,
Periyakulam.

2. The Judge,
Family Court, Madurai.

+1 CC To MR.S.AYYANAR, Advocate SR. NO. 82718

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MYR

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