



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANTR CMP(MD)No.350 of 2018
and
CMP(MD)No.8501 of 2018

R.Muneeswari

... Petitioner

Vs.

Rathinakumar

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw HMOP No.611/2018 pending before the learned Family Judge, Madurai and to transfer the same to the file of the learned Subordinate Judge, Muthukulathur for jointly tried together with HMOP No.52 of 2018 on the file of the learned Subordinate Judge, Muthukulathur, Ramnad District.

For Petitioner

: Mr.V.A.Dhana Aravindha
Balaji

For Respondent

: Mr.R.Babu Jaganath

ORDER

The petitioner got married to the respondent on 14.06.2017. The marital relationship between the parties had come under strain. The petitioner filed HMOP No.52 of 2018 before the learned Sub Judge, Muthukulathur, Ramnad District for restitution of conjugal rights. The respondent/husband filed HMOP No.611 of 2018 before the Family Court, Madurai for divorce.

2.In the very nature of things, both the petitions will have to be tried together. The petitioner is a woman. Therefore, in the interest of justice, this Court withdraws HMOP No.611 of 2018 from the file of the Family Court, Madurai and transfers the same to the file of the Sub Judge, Muthukulathur, Ramnad District for joint trial together with HMOP No.52 of 2018.

3.The learned counsel appearing for the respondent submitted that the petitioner had created an uncomfortable situation for the respondent. The petitioner is directed to conduct herself in an appropriate manner. This direction is given by taking note of the allegation made by the respondent and this Court has not gone into the veracity of the said allegation. If the safety of the respondent is at stake, it is always open to the respondent to file an application in this Transfer CMP for recall of this order.



4.This transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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/True Copy/

Sd/-
Assistant Registrar(Records)

Sub Assistant Registrar(cs-III)

To

1.The Family Court Judge, Madurai

2.The Sub Judge, Muthukulathur, Ramanathapuram District.

+1cc to Mr.R.Babu Jaganath Advocate in SR.No.88808

+1cc to Mr.Dhana Associates Advocate in SR.No.88330

TR CMP(MD)No.350 of 2018
and
CMP(MD)No.8501 of 2018
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NM SV SAR3 28.11.2018 2P 5C