



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

TR CMP (MD) No.368 of 2018

and

CMP (MD) No.9026 of 2018

T.Seelakkari @ Sheela Devi

... Petitioner

Vs.

K.Babu

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw HMOP No.148 of 2018 on the file of the Sub Court, Melur (camp), Madurai and transfer the same to the competent court at Dindigul.

For Petitioner

: Mr.A.Saravanan

For Respondent

: Mr.M.Balakrishnan

ORDER

The petitioner got married to the respondent on 25.03.2008. A male child was born through the said wedlock on 21.03.2011. The relationship between the parties had come under strain. The child is with the mother. The petitioner has filed HMOP No.182 of 2018 before the Family Court, Dindigul seeking restitution of conjugal rights. The respondent/husband filed HMOP No.148 of 2018 on the file of the Sub Court, Melur (camp), Madurai seeking divorce.

2.In the very nature of things, both the HMOPs will have to be tried together. Since the petitioner is a woman, this Court is of the view that the case filed by the husband has to be transferred. Hence, in the interest of justice, this Court withdraws HMOP No.148 of 2018 from the file of the Sub court, Melur (camp), Madurai and transfers the same to the file of the Family Court, Dindigul to be tried along with HMOP No.182 of 2018 filed by the petitioner herein. The respondent need not appear in person before the Family Court, Dindigul on all hearing dates. He has to appear only on counselling dates and on those days when for his examination as witness, his presence is necessary. On all other hearing dates, he can be represented through his counsel.

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

Sd/-

Assistant Registrar

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<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar(CS-III)



To

1.The Family Court Judge, Dindigul.

2.The Sub Judge, Melur (camp), Madurai.

+1cc to Mr.A.Saravanan, Advocate Sr.No.89318

+1cc to Mr.M.Balakrishnan, Advocate Sr.No.89521

SKM

VB/PM/SAR3/28.11.2018/2P/5C

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