



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

TR CMP(MD)No.379 of 2018

and

CMP(MD)No.9214 of 2018

G.Nishanthi

... Petitioner/Respondent

Vs.

P.S.Mathivanan

... Respondent/Petitioner

Prayer : This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code r/w. Order Rule 1(2) of CPC, to withdraw the case in HMOP No.1057 of 2018 on the file of the Principal Family Court, Coimbatore and transfer the same to the Family Court, Madurai.

For Petitioner

: Mr.J.Selvin Rajesh

For Respondent

: No appearance

**ORDER**

The petitioner got married to the respondent on 26.02.2007. The respondent has filed HMOP No.1057 of 2018 before the Principal Family Court, Coimbatore seeking restitution of conjugal rights. On the other hand, the petitioner has filed HMOP No.540 of 2018 before the Family Court, Madurai seeking divorce.

2.In the very nature of things, both the O.Ps will have to be tried together. Since the petitioner is a woman, in the interest of justice, this Court withdraws HMOP No.1057 of 2018 from the file of the Principal Family Court, Coimbatore and transfers the same to the file of the Family Court, Madurai for being jointly tried along with HMOP No.540 of 2018. The respondent however need not appear in person before the Family Court, Madurai. He can be represented through counsel on all hearing dates. He needs to appear only on counselling dates and on those days when for his examination as witness his presence is necessary and imperative.

3.This Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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To

1.The Principal Family Court Judge, Coimbatore.

2.The Judge Family Court, Madurai.

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**and**  
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TR/SKN/SAR-III (12.11.2018) 2P 3C