



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

TR.C.M.P. (MD) .No.422 of 2018

and

C.M.P. (MD) .No. 10058 of 2018

Mercy Evanjelin

... Revision Petitioner

Vs

K.Suresh

... Respondent

PRAYER : Petition filed under Section 24 of Civil Procedure Code to pass an order to withdraw the case in I.D.O.P.No.9 of 2018 on the file of the Learned Family Court, Madurai and transfer to learned Family Court, Kumbakonam.

For Petitioner	: Mr.S.Madhavan
For Respondent	: Mr.S.Louis

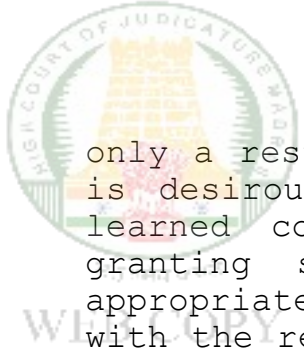
ORDER

The petitioner got married to the respondent on 04.07.2014 at Kumbakonam. A female child was born on 18.08.2015. It appears that the marital relationship has come under strain and the petitioner has gone out of the marital home. The respondent has therefore filed I.D.O.P.No.9 of 2018 on the file of the Family Court, Madurai, seeking restitution of conjugal rights. The petitioner was then working at Madurai. Now she is presently pursuing her higher studies at Chennai. The child is now at Kumbakonam.

2.Since, the respondent wants only restitution of conjugal rights, and since the petitioner is not at Madurai, I am of the view that the proceedings instituted by the respondent herein deserved to be transferred.

3.Hence, in the interest of justice, this Court withdraws I.D.O.P.No.9 of 2018 from the Family Court, Madurai and transfers the same to the Additional District Court, Thanjavur District at Kumbakonam.

4.The learned counsel appearing for the respondent drew the attention of this Court to the fact that the respondent has filed



only a restitution petition and not a divorce petition and that he is desirous of seeing his child who is now at Kumbakonam. The learned counsel for the petitioner also has no objection for granting such visitation rights. The petitioner shall make appropriate arrangements to ensure that the child Benita Sharon is with the respondent / father of the child in any church premises at Kumbakonam on the first sunday of every month. To ensure that and to avoid problems, the father of the petitioner shall keep away when the child is with the respondent herein. Since, the respondent only wants restitution of conjugal rights, the petitioner is ofcourse entitled to be present. The respondent shall be entitled to the company of the child for atleast six hours.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is allowed.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Judge,
Family Court, Madurai.
2. The Additional District Judge,
Thanjavur District at Kumbakonam.

+ 1 CC TO Mr.S.MADHAVAN, ADVOCATE IN SR No. 93450
+ 1 CC TO Mr.S.LOUIS, ADVOCATE IN SR No. 94044

PNN

TE/SV/SAR-4 : 17/12/2018 : 2P/5C

ORDER MADE IN
TR.C.M.P. (MD) .No.422 of 2018 and
C.M.P. (MD) .No. 10058 of 2018
31.10.2018