



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) .Nos.424, 425 and 426 of 2018

and

C.M.P. (MD) Nos.10722, 10723 and 10724 of 2018

Murali ... Petitioner / Respondent (in all cases)

Vs.

P.Sendoori ... Respondent / Petitioner (in all cases)

PRAYER in TR.C.M.P. (MD) .No.424 of 2018: Petition filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.4 of 2017 from the file of Family Court, Madurai and to transfer the same to the file of Family Court, Krishnagiri or in any other Court in other districts.

PRAYER in TR.C.M.P. (MD) .No.425 of 2018: Petition filed under Section 24 of Civil Procedure Code to withdraw the G.W.O.P.No.6 of 2018 from the file of Family Court, Madurai and to transfer the same to the file of Family Court, Krishnagiri or in any other Court in other districts.

PRAYER in TR.C.M.P. (MD) .No.426 of 2018: Petition filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.91 of 2018 from the file of Family Court, Madurai and to transfer the same to the file of Family Court, Krishnagiri or in any other Court in other districts.

For Petitioner : Mr.K.Gokul

For Respondent : Mr.S.Venkatasubramaniyan
(in all Tr.C.M.Ps.)

COMMON ORDER

The petitioner got married to the respondent on 20.08.2010. A male child was born on 30.01.2016. It appears that the relationship between the parties has come under strain. Due to various reasons, the respondent / wife has filed a petition for divorce. The petitioner herein has filed a petition for restitution of conjugal rights. The petitioner has also filed a petition for guardianship. Following the order of transfer made by this Court, all the three cases are presently pending before the Family Court, Madurai. A direction has been given earlier for speedy disposal of the cases. The petitioner herein wants



transfer of all the three cases.

2. At the instance of the respondent / wife, this Court had passed an order of transfer. Any order that is passed in those Transfer Civil Miscellaneous Petitions would only amount to review of the earlier order passed before this Court on 20.03.2018 in Tr.C.M.P.No.29 of 2018.

3. It is submitted by the learned counsel for the respondent that review was made and that it was unsuccessful. The petitioner's primary grievance appears to be that when cases of the year 2009 are pending, the present H.M.O.P's. are sought to be speeded up. But then, the Family Court cannot be blamed. This Court in more than one case has given specific directions, directing the Family Court, Madurai to expedite the H.M.O.P., filed by the respondent. Therefore, the approach of the Judge, Family Court, cannot be faulted.

4. The petitioner would make a further submission that he filed a memo in the G.W.O.P.No.6 of 2018, for visitation rights and that the same has been returned.

5. I am of the view that the petitioner ought to be permitted to see the child. The learned counsel for the petitioner states that he would be present on all the hearing dates. The respondent is also directed to be present on all the hearing dates along with the child. On such occasions, the petitioner is entitled to be in the company of his child.

6. The Family Court, Madurai is directed to take up all the three cases on the same day and deal with them together. This Court gives a specific direction for joint trial of H.M.O.P.No.4 of 2017, H.M.O.P.No.91 of 2018 and G.W.O.P.No.6 of 2018.

7. Since the learned counsel for the petitioner expressed his apprehension regarding the conduct of the parent of the respondent, the Judge, Family Court, Madurai, is directed to ensure that the presence of the respondent's parents does not in any way cause obstruction to the proceedings.

8. With these directions, these Transfer Civil Miscellaneous Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //



To:

1. The Judge,
Family Court, Madurai.

+1 CC To MR.K.GOKUL, Advocate SR. NO. 93810

ORDER MADE IN
TR.C.M.P. (MD) .Nos.424,
425 and 426 of 2018
and
C.M.P. (MD) Nos.10722,
10723 and 10724 of 2018
31.10.2018

PNN

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