

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.524 OF 2018
AND CMP NO.12781 OF 2018

P.Mayilvannan

... Petitioner

Vs.

G.Hamsalega

... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw FCOP No.444 of 2017 on the file of the Family Court at Erode and transfer the same and to club with HMOP No.513 of 2017 on the file of the Sub Court at Tambaram.

For Petitioner : Mr.G.Magesh Kumar

For Respondent : Mr.A.Sivaji

O R D E R

The respondent/husband filed this Transfer Civil Miscellaneous Petition seeking to withdraw FCOP No.444 of 2017 pending on the file of Family Court, Erode and to transfer the same to Sub Court, Tambaram, to be tried along with HMOP No.513 of 2017.

2. The petitioner is the husband. He filed a petition for divorce on the file of Sub Court, Tambaram. The respondent / wife filed a petition under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights before the Family Court, Erode. Now that the petitioner seeks transfer of the petition filed by the respondent / wife to Sub Court, Tambaram from the Family Court, Erode.

3. On 19.02.2019, this Court ordered appearance of the parties. However, the parties have not appeared.

4. The petition filed by the petitioner / husband, reveals that the respondent / wife is residing in Erode. Therefore, considering the convenience of parties, it is better to transfer the case to the place, where the wife resides. The wife cannot

be forced to travel 400 kms to attend the case along with the minor child.

5. Considering the convenience of parties, HMOP No.513 of 2017 filed by the petitioner / husband, pending on the file of Sub Court, Tambaram stands withdrawn and transferred to Family Court, Erode, to be tried along with FCOP No.444 of 2017. The Sub Court, Tambaram is directed to transfer the papers forthwith.

6. The learned counsel for the petitioner would submit that the petitioner is working at Gujarat and it is very difficult for him to travel all the way from Gujarat to Erode to attend the case on all hearings.

7. Considering the hardship, personal appearance of the petitioner / husband is dispensed with, except for trial.

8. The Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK

To

1.The Subordinate Judge,
Tambaram.

2.The Judge,
The Family Court
Erode.

+1cc to Mr.A.Sivaji, Advocate Sr.25851
+1cc to Mr.G.Mageshkumar, Advocate Sr.26336

TR.CMP.NO.524 OF 2018

vj II[co]
srg 24/05/2019