

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.948 OF 2018
AND CMP NO.23375 OF 2018

P.Menaka Gandhi ... Petitioner
Vs.

Prakash @ Gokul Das Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw and to transfer HMOP No.98 of 2018 on the file of Principal Sub Court, Tindivanam to the file of V Additional Family Court, Chennai.

For Petitioner : Ms.Sharmila
for Mr.P.Gunaraj

For Respondent : Mr.S.Ravichandran
(No Appearance)

O R D E R

The petitioner/wife filed this petition seeking to withdraw and transfer H.M.O.P.No.98/2018 pending on the file of the Principal Sub Court, Tindivanam, to the V Additional Family Court, Chennai.

2. The respondent / husband filed the above H.M.O.P.No.98 of 2018 for restitution of conjugal rights before the Principal Sub Court, Tindivanam. In the meanwhile, the petitioner filed a petition for maintainance in M.C.No.318 of 2018 before the V Additional Family Court, Chennai.

3. The petitioner is residing at Chennai with her parents. The petitioner has two children aged about five years and two years. She would plead that it is very difficult for her to travel all along to Tindivanam to contest the case. Further, she is not in a position to maintain herself and her young children due the financial constraint and therefore, she is not in a position to travel to Tindivanam.

4. Considering the physical and financial constraint caused to the petitioner as well as to the two minor children at the tender age of five years and two years respectively, this Court is inclined to grant the relief as sought for by the petitioner.

5. In view of the same, without going into the merits of the case, H.M.O.P.No.98 of 2018 is withdrawn from the file of Principal Sub Court, Tindivanam and is transferred to the file of V Additional Family Court, Chennai, to be tried along with M.C.No.318 of 2018. A direction is issued to the V Additional Family Court, Chennai, to dispose of both the petitions, as expeditiously as possible.

6. The Transfer Civil Miscellaneous Petition is allowed to the extent indicated above. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

TK

To

1.The Principal Sub Court
Tindivanam.

2.The V Additional Family Court
Chennai.

+1cc to Mr. P.Gunaraj , Advocate SR.No. 12680

A.SK(14/03/2019)

TR.CMP.NO.948 OF 2018

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