



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

Tr.C.M.P.(MD).No.180 of 2019 and
C.M.P.(MD).No.4137 of 2019

A.Nandhinibala

.. Petitioner/Respondent

Vs.

R.Praveen

.. Respondent/Petitioner

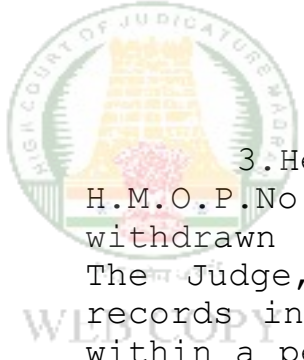
Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.1117 of 2019 on the file of the learned Family Judge at Chennai and transfer the same to the learned Family Court at Madurai.

For Petitioner : Mr.R.Yamuna
For Respondent : Mr.A.T.Vijay

ORDER

This transfer civil miscellaneous petition is filed by the wife who is the respondent in H.M.O.P.No.1117 of 2019 filed by the respondent/husband before the Family Court, Chennai, for restitution of conjugal rights.

2.The marriage between the petitioner and the respondent was solemnized on 06.09.2018. The petitioner has made several allegations of harassment and it appears that she was separated from the respondent. It is the specific allegation that the respondent while applying through a web site for contracting a second marriage, has filed H.M.O.P.No.1117 of 2019 for restitution of conjugal rights. The petitioner has also produced before this Court the document to show that the respondent has registered in a web site known as Divorcee Matrimony to contract second marriage. Hence, this Court *prima facie* is of the view that there is no bonafideness in the petition filed by the respondent for restitution of conjugal rights. Moreover, in the petition filed by the husband, convenience of the wife can be given preference. Considering the over all view, this Court in the interest of justice is inclined to transfer the proceedings from Chennai to Madurai.



3.Hence, this petition is allowed and the proceedings in H.M.O.P.No.1117 of 2019 on the file of Family Court, Chennai, is withdrawn and transferred to the file of Family Court, Madurai. The Judge, Family Court, Chennai is directed to transmit the records in H.M.O.P.No.1117 of 2019 to the Family Court, Madurai, within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judge, Family Court, Chennai.

2.The Judge, Family Court, Madurai.

+1 CC to M/s.R.YAMUNA, Advocate SR-75825.

Tr.C.M.P. (MD) .No.180 of 2019
16.07.2019

CS (25.07.2019) 2P 4C