



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

Tr.C.M.P.(MD).No.249 of 2019
and
C.M.P.(MD).No.5785 of 2019

S.K.Nithya

.. Petitioner

Vs.

S.Krishnakumar

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the proceedings in H.M.O.P.No.558 of 2019 on the file of the Family Court, Madurai and transfer the same to II Additional Judge, Family Court, Chennai.

For Petitioner : Mr.Karthikeyan Sekar

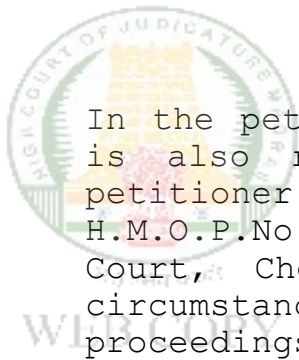
For Respondent : No Appearance

ORDER

This transfer civil miscellaneous petition is filed by the wife seeking to transfer the proceedings in H.M.O.P.No.558 of 2019 on the file of the Family Court, Madurai, to the II Additional Judge, Family Court, Chennai.

2.Despite notice to the respondent has been served on the address which is mentioned by the respondent in his petition and the receipt of the notice has been acknowledged by a person on behalf of the respondent, he did not appear in person or through any counsel.

3.The marriage between the petitioner and the respondent was solemnized on 25.06.2007. The petitioner was gifted with a female child and she is now studying in 6th standard in Chettinad Vidhyashram at Raja Annamalaipuram, Chennai. The petitioner is also working in a Multi National Company. The respondent/husband has filed a petition in H.M.O.P.No.558 of 2019 before the Family Court, Madurai, under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. The petitioner is residing at Chennai and the Court in Chennai has the jurisdiction in view of Section 19 of the Hindu Marriage Act. The petitioner is also living along with her 11 years old child who is also studying in a reputed school at Chennai.



In the petition filed by the husband convenience of the petitioner is also relevant. It is also represented on behalf of the petitioner that the petitioner has also filed a petition in H.M.O.P.No.2658 of 2019 on the file of the I Additional Family Court, Chennai for divorce. Having regard to the facts and circumstances, this Court has no hesitation to transfer the H.M.O.P. proceedings.

4.As a result, this transfer civil miscellaneous petition is allowed and the proceedings in H.M.O.P.No.558 of 2019 pending on the file of the Family Court, Madurai, is withdrawn and transferred to the Family Court (I Additional Judge), Chennai, to try along with the H.M.O.P. proceedings filed by the wife. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judge, Family Court, Madurai.

2.The I Additional Judge, Family Court, Chennai.

+1 CC to M/s.V.M.JEGADEESHA PANDIAN, Advocate (SR-79145[F] dated 01/08/2019)

Tr.C.M.P. (MD) .No.249 of 2019
31.07.2019

TM

JMN(26.08.2019) 2P : 4C