



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)Nos.76 of 2019 and 468 of 2018
and

C.M.P(MD) Nos.1802, 8271 of 2019 and 10896 of 2018

Tr.C.M.P(MD).No.76 of 2019

R.Deivanai

... Petitioner

Vs.

Chockalingam

... Respondent

Tr.C.M.P(MD).No.468 of 2018

1.Chockalingam

... Petitioner

Vs.

1.Deivanai

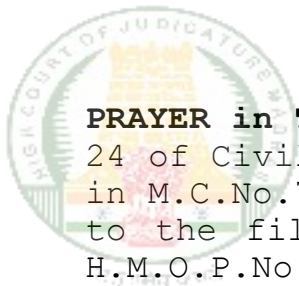
2.Minor S.Natchammai

3.Minor S.Sairaja

... Respondents

(Minors are represented by
their mother and guardian
Deivanai)

PRAYER in Tr.C.M.P(MD).No.76 of 2019:- Petition filed under Section 24 of Civil Procedure Code, to withdraw the case filed by the respondent against the petitioner in H.M.O.P.No.1388 of 2018 pending on the file of the learned Family Court at Coimbatore, transferring the same to the file of learned Family Court at Tiruchirapalli to be tried along with the petition in M.C.No.75 of 2018 filed by the petitioner for herself and on behalf of her minor children against the respondent along with a direction to the respondent to pay the costs of this petition to the petitioner.



PRAYER in Tr.C.M.P(MD).No.468 of 2018:- Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer the proceedings in M.C.No.75 of 2018 on the file of the Family Court, Trichirappalli to the file of Family Court at Coimbatore to be tried along with H.M.O.P.No.1388 of 2018.

In Tr.C.M.P.No.76 of 2019

For Petitioner : Mr.S.K.Mani

For Respondent : Mr.V.Singan

In Tr.C.M.P.No.468 of 2018

For Petitioner : Mr.V.Singan

For Respondents : Mr.S.K.Mani

COMMON ORDER

Tr.C.M.P(MD).No.76 of 2019 is filed by the petitioner/wife seeking to transfer H.M.O.P.No.1388 of 2018 pending on the file of Family Court, Coimbatore, which is the petition filed by the respondent/husband for restitution of conjugal rights to the file of the Family Court, Trichirappalli. Prior to the filing of H.M.O.P.No.1388 of 2018, the petitioner/wife had filed M.C.No.75 of 2018 seeking maintenance in respect of herself and her two minor children, aged about 7 years and 4 years respectively, who have been arrayed as respondents 2 and 3 in Tr.C.M.P.(MD).No.468 of 2018. This transfer civil miscellaneous petition has been filed by the husband, who is the respondent in Tr.C.M.P(MD).No.76 of 2019. The children admittedly are minors and it is the mother who is taking care of them. It is also admitted that the father has not paid any amount till date for maintaining of her children.

2.Considering the fact that the respondent/wife is residing at Trichirappalli, H.M.O.P.No.1388 of 2018 is ordered to be withdrawn and transferred from the file of Family Court, Coimbatore to the file of Family Court, Trichirappalli. Tr.C.M.P(MD).No.468 of 2018, which is filed by the husband for transferring M.C.No.75 of 2018 from the file of Family Court, Trichirappalli to the file of Family Court, Coimbatore is dismissed.

3.The learned Judge, Family Court, Trichirappalli is directed to first take up M.C.No.75 of 2018 and dispose the same as expeditiously as possible preferably within a period of two months from the date of receipt of a copy of this order. After disposal of the M.C.No.75 of 2018, the learned Judge shall proceed to dispose of the H.M.O.P.No.1388 of 2018.



WEB COPY

Tr.C.M.P(MD).No.76 of 2019

4.In the result, the Tr.C.M.P(MD).No.76 of 2019 is allowed and the Tr.C.M.P(MD).No.468 of 2018 is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

msa

To

1. The Judge,
Family Court,
Trichirappalli
2. The Judge,
Family Court,
Coimbatore.

+1 CC to M/s.S.K. MANI, Advocate SR-91765.
+1 CC to M/s.V.SINGAN, Advocate SR-91736.

Tr.C.M.P. (MD)Nos.76 of 2019 and 468 of 2018

and

C.M.P(MD) Nos.1802, 8271 of 2019 and 10896 of 2018

14.10.2019

CS(30.10.2019) 3P 5C