



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 22.10.2019

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.295 of 2019

and

C.M.P. (MD)No.6922 of 2019

D.Madhumitha

.. Petitioner/Respondent

Vs.

Aswin Kumar

.. Respondent/Petitioner

Prayer : Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.213 of 2019 pending on the file of the Family Court, Madurai and transfer the same to the Family Court, Dindigul.

For Petitioner	: Mr.T.K.Akalya for Mr.S.Thamizharasan
For Respondent	: Mr.Shankar Ganesh

ORDER

The above Transfer Civil Miscellaneous Petition has been filed seeking to withdraw H.M.O.P.No.213 of 2019 filed by the respondent, seeking for restitution of conjugal rights, on the file of the Family Court, Madurai, to the file of the Family Court, Dindigul.

2.The grievance of the petitioner appears to be that the respondent husband and she had a separate residence at Dindigul. However, he had been taken away by her mother-in-law to Madurai and attempts at mediation failed. The husband without taking any steps to join her has filed a petition for restitution of conjugal rights in H.M.O.P.No.213 of 2019 on the file of the Family Court, Madurai. The petitioner would submit that she has recently undergone a surgery and frequent travel to Madurai would be a strain on her, since the matter is pending before the Family Court, Madurai, which requires her presence for every hearing. That apart, her husband is also working at Silukuvarpatti, Dindigul.

3.The learned counsel appearing for the respondent would submit that the only grievance of the petitioner is that the respondent is taking care of his parents and the petitioner wants the respondent to totally sever all ties with his parents and come away from them.



4.The said submission is denied by the learned counsel appearing for the petitioner.

5.Considering the fact that both of them are within the jurisdiction of Family Court, Dindigul, the petition in H.M.O.P.No.213 of 2019 is ordered to be withdrawn and transferred from the file of the Family Court, Madurai, to the file of Family Court, Dindigul. The learned Family Judge, Madurai, is directed to transmit the entire records in H.M.O.P.No.213 of 2019 to the Family Court, Dindigul. The learned Family Judge, Dindigul, is directed to conduct trial in H.M.O.P.No.213 of 2019 and dispose of the same on merits and in accordance with law.

6.This Transfer Civil Miscellaneous Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Mrn

To

- 1.The Family Judge, Madurai.
- 2.The Family Judge, Dindigul.

1 CC to M/s.S.THAMIZHARASAN, Advocate SR-94301.

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