



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 23.10.2019

CORAM

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THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.300 of 2019

and

C.M.P. (MD)No.6967 of 2019

I.Divya

.. Petitioner

Vs.

S.Gokulraj

.. Respondent

Prayer : Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.691 of 2019 on the file of the Family Court, Madurai and transfer the same to the Family Court, Tiruchirappalli.

For Petitioner	: Mr.R.Narayanan
For Respondent	: No Appearance

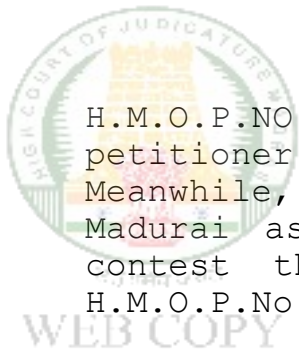
ORDER

The above Transfer Civil Miscellaneous Petition has been filed seeking to withdraw H.M.O.P.No.691 of 2019 filed by the respondent, for divorce, on the file of the Family Court, Madurai, to the file of the Family Court, Tiruchirappalli.

2.The petitioner would submit that after her marriage with the respondent, which was solemnized on 09.02.2014, originally she had moved in at Chennai, where they lived together for six months and thereafter, the respondent was deputed by his company to work at Mexico, where the petitioner and her husband have lived together for over two years. The respondent was thereafter, recalled to Chennai, where he was working and after working for few months, the respondent had resigned his job, as he wanted to look after his family business at Madurai. The petitioner would further submit that on return to Madurai, she had conceived and a son was born to her on 29.08.2017. They had led a happy life initially. Thereafter, the respondent started an extra marital relationship with a lady, who was an employee in his company. This led to frequent quarrels between the husband and wife and ultimately, the petitioner was forced out of matrimonial home on 04.09.2019. Since then she was residing at her paternal house, Tiruchirappalli.

3.In the meanwhile, the petitioner also come to know that the husband of the other lady had filed a petition for divorce in

<https://hcservices.ecourts.gov.in/hcservices/>



H.M.O.P.NO.677 of 2019 before the Family Court, Madurai, wherein the petitioner's husband has been impleaded as the second respondent. Meanwhile, she has received the summons from the Family Court, Madurai asking her to appear before the Court on 17.09.2019 to contest the petition for divorce filed by the respondent in H.M.O.P.No.691 of 2019.

4.The petitioner would submit that she is now entirely in the care and custody of her parents and requires help from them to meet out her day to day expenses and that of her child. Since the matter is pending before the Family Court, Madurai, she has to travel to Madurai for each and every hearing, which would not only be a strain on her but also on her parents, who have to bear her expenses. She had a small child, who is aged about two years old and she has to either leave him behind or to carry him along for every hearing.

5.Considering the reasons putforth by the petitioner before this Court and finding force in the same, this Court of the view that the petition in H.M.O.P.No.691 of 2019 is ordered to be withdrawn and transferred from the file of the Family Court, Madurai, to the file of Family Court, Tiruchirappalli. The learned Family Judge, Madurai, is directed to transmit the entire records in H.M.O.P.No.691 of 2019 to the Family Court, Tiruchirappalli. The learned Family Judge, Tiruchirappalli, is directed to conduct trial in H.M.O.P.No.691 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 (CO)

// True Copy //

Sub Assistant Registrar(CS)

Mrn
To

1.The Judge,Family Court, Madurai.

2.The Judge, Family Court,Tiruchirappalli.

+1 CC to M/s.T.BANUMATHY, Advocate (SR-94437[F] dated 24/10/2019)

Tr.C.M.P.(MD)No.300 of 2019

23.10.2019

KK/SAR/22.11.2019/2P-4C/