



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.336 of 2019

and

C.M.P(MD) No.7814 of 2019

S.Praveena

... Petitioner/ Petitioner

Vs.

C.Satheesh Mohan

... Respondent/ Respondent

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.29 of 2019 on the file of the Principal Subordinate Judge, Padmanabhapuram and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.N.Anandakumar

For Respondent : Mr.K.N.Thambi

ORDER

The above Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of H.M.O.P.No.29 of 2019 filed by her for restitution of conjugal rights pending on the file of the Principal Subordinate Judge, Padmanabhapuram, to the file of the Family Court, Coimbatore.

2.Without going into the details of the dispute between the parties it appears that the husband had filed H.M.O.P.No.15 of 2017 on the file of the Sub Court, Valliyoor, Tirunelveli District, for divorce and earlier the transfer petition filed by the wife to transfer of H.M.O.P.No.15 of 2017 on the file of the Sub Court, Valliyoor, Tirunelveli District, had been dismissed by this Court on 06.06.2019. Thereafter, pending the earlier proceedings, H.M.O.P.No.29 of 2019 had also been filed by the petitioner on the file of the Principal Subordinate Judge, Padmanabhapuram.

3.On consent of both parties, both H.M.O.Ps, one pending before the Subordinate Judge, Valliyoor, Tirunelveli District, namely H.M.O.P.No.15 of 2017 filed by the husband and H.M.O.P.No.29 of 2019 filed by the wife for restitution of conjugal rights, pending on the file of the Principal Subordinate Judge, Padmanabhapuram are ordered to be withdrawn and transferred to the file of the Principal Sub Court, Nagercoil. The learned Subordinate Judge, Valliyoor, Tirunelveli District and the learned Principal Subordinate Judge, Padmanabhapuram, are directed to transmit the entire records in H.M.O.P.No.15 of 2017 and H.M.O.P.No.29 of 2019 respectively to the Principal Sub Court, Nagercoil and the learned Principal Subordinate Judge, Nagercoil, is directed to dispose of the same on merits and in accordance with law.



4. With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

cp

To

1. The Principal Subordinate Judge, Padmanabhapuram

2. The Subordinate Judge, Valliyoor, Tirunelveli District.

3. The Principal Subordinate Judge, Nagercoil.

+1 CC to Mr. K. N. THAMBI, Advocate (SR-96627[F] dated 07/11/2019)

Tr.C.M.P. (MD) No. 336 of 2019

and

C.M.P (MD) No. 7814 of 2019

05.11.2019

VB (26.11.2019) 2P 5C