



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 23.10.2019

CORAM

WEB COPY

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.351 of 2019

and

C.M.P. (MD)No.8088 of 2019

R.Divya

.. Petitioner

Vs.

K.Ranjith

.. Respondent

Prayer : Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.137 of 2019 on the file of the Principal Sub Court, Tiruchirappalli and to transfer the same to be tried along with F.C.O.P.No.174 of 2019 to the Family Court, Namakkal.

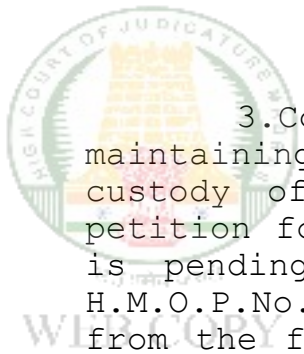
For Petitioner : M/s.V.Janakiramulu
Mr.Jothiramalingam

For Respondent : Mr.M.Subash Babu

ORDER

The above Transfer Civil Miscellaneous Petition has been filed seeking to withdraw H.M.O.P.No.137 of 2019 filed by the respondent, for divorce, on the file of the Principal Subordinate Court, Tiruchirappalli, to the file of the Family Court, Namakkal, to be tried along with F.C.O.P.No.174 of 2019, which is pending on his file.

2.The respondent has taken out an application for divorce on the ground that the petitioner is suffering from insanity. The respondent and the petitioner got married on 12.09.2018. Within one month of their marriage, the petitioner was thrown out of the respondent's house and thereafter, she had conceived. It is seen that the petitioner has given birth to a female child on 07.06.2019. The respondent husband also has not been taken any steps to maintain the wife despite the fact that she and her baby are living with her parents. The petitioner also has filed a petition in F.C.O.P.No.174 of 2019, for restitution of conjugal rights before the Family Court, Namakkal.



3.Considering the fact that the respondent husband is not maintaining the petitioner and her child who are under the care and custody of her parents and also considering the fact that the petition for restitution of conjugal rights filed by the petitioner is pending before the Family Court, Namakkal, the petition in H.M.O.P.No.137 of 2019 is ordered to be withdrawn and transferred from the file of the Principal Subordinate Court, Tiruchirappalli, to the file of Family Court, Namakkal. The learned Principal Subordinate Judge, Tiruchirappalli, is directed to transmit the entire records in H.M.O.P.No.137 of 2019 to the Family Court, Namakkal. The learned Family Judge, Namakkal is directed to tag H.M.O.P.No.137 of 2019 along with F.C.O.P No.174 of 2019, which is pending on his file, conduct joint trial and dispose of the same on merits and in accordance with law. The respondent shall appear before the Court for every hearing as it is represented on instructions that the respondent who has initiated the proceedings, is not appearing before the Court.

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

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

Mrn

To

- 1.The Principal Sub Judge, Tiruchirappalli.
- 2.The Family Judge, Namakkal.

+1 CC to M/s.M.SUBASH BABU, Advocate SR-94582.
+1 CC to M/s.V.JANAKIRAMULU, Advocate SR-94800.

Tr.C.M.P. (MD)No.351 of 2019

23.10.2019

CS (21.11.2019) 2P 5C