



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2019

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THE HONOURABLE **MS.JUSTICE P.T.ASHA**

TR.C.M.P. (MD)No.402 of 2019
and
C.M.P. (MD)No.9091 of 2019

J.Merlin Selvarani

... Petitioner

Vs.

D.Sri Ramakrishnan @ Christopher

... Respondent

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.R.P., to pass an order withdrawing the divorce petition in I.D.O.P.No.2619 of 2019 on the file of the Family Court No.II, Chennai and to transfer the same to the file of the Family Court, Madurai to be heard along with the petition for restitution of conjugal rights in I.D.O.P.No.750 of 2019 and M.C.No.108 of 2019.

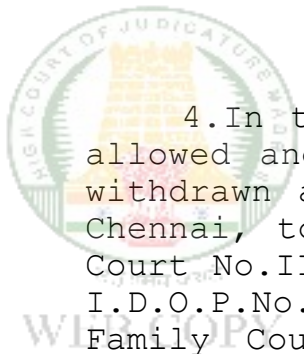
For Petitioner : Mr.J.Barathan
For Respondent : No Appearance

ORDER

The above application is filed by the wife/petitioner seeking transfer of the divorce petition filed by the husband/respondent herein in I.D.O.P.No.2619 of 2019 before the Family Court No.II, Chennai to the file of the Family Court, Madurai where her petition for restitution of conjugal rights in I.D.O.P.No.750 of 2019 and also maintenance petition in M.C.No.108 of 2019 are pending.

2.The petitioner would contend that she has not been maintained by her husband/respondent for which reason, she has preferred M.C.No.108 of 2019 and therefore, she is entirely dependent on her mother, who is aged about 72 years since her father has also passed away. Therefore, each time she has to travel to Chennai to attend the hearings, as the matter is pending before Family Court, Chennai. She would have to trouble her mother.

3.Considering the fact that the respondent has not given maintenance to the petitioner and that the presence of the petitioner before the Family Court is imperative, this Court is inclined to allow this transfer civil miscellaneous petition, particularly, since other proceedings between the parties pending before the Family Court, at Madurai.



4.In the result, this transfer civil miscellaneous petition is allowed and the case in I.D.O.P.No.2619 of 2019 is ordered to be withdrawn and transferred from the file of the Family Court No.II, Chennai, to the file of Family Court, Madurai. The learned Family Court No.II, Chennai, is directed to transmit the entire records in I.D.O.P.No.2619 of 2019 to the Family Court, Madurai and the learned Family Court, Madurai, is directed to dispose of the cases in I.D.O.P.No.2619 of 2019, I.D.O.P.No.750 of 2019 and M.C.No.108 of 2019 on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Judge, Family Court No.II, Chennai.
- 2.The Judge, Family Court, Madurai.

+1 CC to M/s.T.R.JEYAPALAM, Advocate SR-95753.

TR.C.M.P. (MD) No.402 of 2019
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