



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.453 of 2018

and

C.M.P(MD) No.10570 of 2018

WEB COPY

S.Subhasree

... Petitioner

Vs.

B.Ulganathan

... Respondent

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer the petition made in H.M.O.P.No.619 of 2018 on the file of Sub Court, Tambaram to Family Court, Tirunelveli for the purpose of conducting trial along with H.M.O.P.No.230 of 2018.

For Petitioner : Mr.D.Sadiq Raja

For Respondent : Mr.C.Gangai Amaran

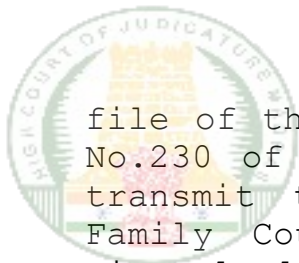
ORDER

This Transfer Civil Miscellaneous Petition has been filed by the wife who is the respondent in the petition filed by the husband for divorce before the Sub Court, Tambaram in HMOP No.619 of 2018.

2.It is the case of the petitioner that she had filed an application for restitution of conjugal rights before the Family Court, Tirunelveli, in HMOP No.230 of 2018. Summons has also been issued to the respondent. Meanwhile, the husband has filed an application before the Sub Court, Tambaram. The petitioner is residing at Tirunelveli and the learned counsel on instructions would submit that the husband has not been maintaining the petitioner/wife.

3.Considering the fact that the husband has not maintaining the wife and proceeding to file divorce petition in Tambaram, it would be a strain both physically and financially for the petitioner to travel from Tirunelveli to Tambaram to attend the hearings as and when her presence is required. The place of residence of the petitioner/wife has also the jurisdiction for the petition for divorce.

4.Hence, this Court is inclined to allow the Transfer Civil Miscellaneous petition and the proceedings pending before the Sub Court, Tambaram is directed to be withdrawn and transferred to the



file of the Family Court, Tirunelveli to be tried along with HMOP No.230 of 2018. The learned Sub Judge, Tambaram is directed to transmit the entire records in H.M.O.P.No.619 of 2018 to the Family Court, Tirunelveli. The learned Judge, Family Court, Tirunelveli is directed to tag H.M.O.P(MD) No.619 of 2018 along with H.M.O.P(MD)No.230 of 2018 which is pending on his file, conduct joint trial and dispose of the same on merits and in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

cp

To

1.The Subordinate Judge, Tambaram.

2.The Judge, Family Court, Tirunelveli.

+1 CC to M/s.C.GANGAI AMARAN, Advocate (SR-85739[F] dated 06/09/2019)

+1 CC to M/s.D.SADIQRAJA, Advocate (SR-85992[F] dated 09/09/2019)

Tr.C.M.P. (MD) No.453 of 2018

and

C.M.P (MD) No.10570 of 2018

05.09.2019

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