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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2019

CORAM

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

TR.C.M.P.(MD)No.405 of 2019
and
C.M.P.(MD)No.9287 of 2019

M.Kiruthika ... Petitioner/Respondent

Vs.

O.B.Karupanakumar ... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Order Rule 1(2) C.P.C., to withdraw the case in F.C.O.P.No.191 of 2018 on the file of the Family Court, Erode and transfer the same to the learned Sub Court, Karur.

For Petitioner : Mr.R.Amarnath

For Respondent : No Appearance

ORDER

The above Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of the case in F.C.O.P.No.191 of 2018 from the file of the learned Family Court, Erode to the file of learned Sub Court, Karur where the petition for restitution of conjugal rights filed by the petitioner / wife is pending.

2.Though the notice is served on the respondent and his name is also printed in the cause list, he did not appear neither through counsel nor person, when the matter was called, today.

3.The learned counsel appearing for the petitioner would submit that the divorce petition has been filed by the respondent / husband, after receiving of the summons in H.M.O.P.No.117 of 2018, with a view to harass the petitioner. The petitioner has also not been maintained by the respondent. She has to travel to Erode from Karur for every hearings, as and when she is required to be present before the Court below, which would cause a great-deal of financial as well as physical strain (as she has suffered a stroke) on her.

4.Considering the above circumstances and also the fact that the wife's petition is now pending before the learned Sub Court, Karur, interest of justice would sub-served, if the petition in F.C.O.P.No.191 of 2018 is ordered to be withdrawn and transferred

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from the file of the Family Court, Erode to the file of Sub Court, Karur. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the learned Family Court, Erode, is directed to transmit the entire records in F.C.O.P.No.191 of 2018 to the Sub Court, Karur and the learned Sub Court, Karur, is directed to 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)

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To

1.The Family Court, Erode.
2.The Sub Court, Karur.

+1 CC to M/s.R.AMARNATH, Advocate (SR-98753[F] dated 15/11/2019)

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KK/SAR/10.12.2019/2P-4C/

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