



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 22.11.2019

CORAM

WEB COPY

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.427 of 2019
and
C.M.P. (MD)No.9790 of 2019

Vinodha .. Petitioner/ Respondent
Vs.

Ramkumar .. Respondent / Petitioner

Prayer : Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in F.C.O.P.No.162 of 2019 on the file of the Family Court, Namakkal and transfer to the Family Court, Karur and try along with the case in H.M.O.P.No.77 of 2019.

For Petitioner : Mr.N.Anandkumar
For Respondent : Mr.D.Shivakumaran

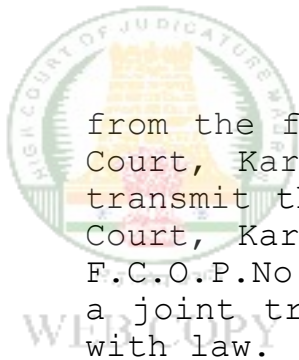
ORDER

The above Transfer Civil Miscellaneous Petition has been filed seeking to withdraw F.C.O.P.No.162 of 2019 filed by the respondent, for restitution of the conjugal rights, on the file of the Family Court, Namakkal, to the file of the Family Court, Karur, to be tried along with H.M.O.P.No.77 of 2019, which is pending on his file.

2.The learned counsel appearing on behalf of the petitioner would submit that subsequent proceedings filed by the husband is only with an attempt to harass the wife. Though the allegations regarding the apprehension to life has been pleaded in the affidavit, the same has not been canvassed.

3.The learned counsel appearing for the respondent would submit that the distance between Namakkal and Karur is not very much and the petitioner could very well attend the Court at Namakkal.

4.Considering the fact that the wife has alleged that since the matter is pending before Family Court, Namakkal, her presence for every hearing is imperative and this would be a great strain on her financially. She would further contend that the husband has not giving maintenance to her to-date and she is dependant on other for her day to day expenses. Therefore, in the interest of justice, this Court is inclined to allow this petition. Hence, the petition in F.C.O.P.No.162 of 2019 is ordered to be withdrawn and transferred



from the file of the Family Court, Namakkal, to the file of Family Court, Karur. The learned Family Judge, Namakkal, is directed to transmit the entire records in F.C.O.P.No.162 of 2019 to the Family Court, Karur. The learned Family Judge, Karur, is directed to tag F.C.O.P.No.162 of 2019 along with H.M.O.P.No.77 of 2019 and conduct a joint trial and dispose of the same on merits and in accordance with law.

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

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

Mrn

To

1.The Family Judge, Namakkal.

2.The Family Judge, Karur.

+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-100666[F] dated 22/11/2019
+2 CC to M/s.D. SHIVAKUMARAN, Advocate (SR-100934 AND 100653

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SMA/17/12/19/2P/6C