



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.12.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE R. SUBRAMANIAN**

Tr.C.M.P. (MD) Nos.485 and 486 of 2019
and
C.M.P. (MD) Nos.11337 and 11338 of 2019

Marohina ... Petitioner / Respondent / Wife
in both the Tr.C.M.Ps.

Vs.

Satheesh Kumar ... Respondent / Petitioner / Husband
in both the Tr.C.M.Ps.

COMMON PRAYER: These Petitions are filed under Section 24 of Civil Procedure Code, to withdraw HMOP.Nos.610 of 2017 and 352 of 2019 on the file of the Family Court, Madurai, Madurai District and transfer the same to the Family Court, Hosur, Krishnagiri District.

For Petitioner in
both Tr.C.M.Ps : Mr.V.Suresh Kanna

For Respondent in
both Tr.C.M.Ps. : Mr.D.Senthil

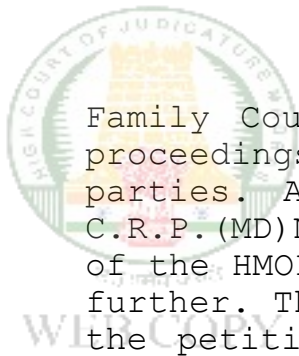
C O M M O N O R D E R

These applications have been filed seeking transfer of H.M.O.P.No.610 of 2017 and H.M.O.P.No.352 of 2019 pending on the file of the Family Court, Madurai, to the Family Court, Hosur at Krishnagiri District. While H.M.O.P.No.610 of 2017 was filed by the husband seeking divorce, H.M.O.P.No.352 of 2019 has been filed by the wife seeking restitution of conjugal rights.

2.It is seen from the records, particularly, the memo filed by the learned counsel for the petitioner before the Family Court, at Madurai, on 25.10.2019 that both the cases are pending at the advance stage of trial and are posted for cross examination of the respondent in H.M.O.P.No.610 of 2017.

3.Though the wife is a resident of Bangalore, she has chosen to file the restitution petition in H.M.O.P.No.352 of 2019 before the

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Family Court at Madurai. I do not find that the transfer of the proceedings at this stage would be in the interest of both the parties. Admittedly, there is a direction by this Court made in C.R.P.(MD)No.870 of 2019, dated 17.06.2019, for expeditious disposal of the HMOPs. Any transfer now made would only delay the proceedings further. Therefore, I do not see any justification on the request of the petitioner / wife, who had appeared before the Family Court, Madurai for more than two years, to seek to transfer the cases to Krishnagiri. Hence, both these Transfer Civil Miscellaneous Petitions are dismissed. The Family Court, Madurai is directed to give priority to the H.M.O.P.Nos.610 of 2017 and 352 of 2019 and dispose of the same expeditiously at any rate on or before 15th March, 2020.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Judge
The Family Court, Madurai, Madurai District.

+1 CC to M/s.D.SENTHIL, Advocate (SR-106111[F] dated 20/12/2019)
+1 CC to M/s.D.SENTHIL, Advocate (SR-106110[F] dated 20/12/2019)

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and
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rj2
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