



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2020

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

TR.C.M.P.(MD) No.48 of 2020

and

C.M.P(MD)No.877 of 2020

Radha

... Petitioner/Respondent

vs.

Ravisubramanian

... Respondent/Petitioner

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.3697 of 2019 on the file of the VII Family Court, Chennai and transfer the same to the learned Subordinate Judge, Kulithalai, Karur District.

For Petitioner : Mr.S.Jayavel

For Respondent : Mr.V.Sasikumar

ORDER

The petitioner / wife, who has launched the proceedings for divorce in H.M.O.P.No.109 of 2019 on the file of the Sub Court, Kulithalai seeks transfer of the petition for restitution of conjugal rights filed by the husband in H.M.O.P.No.369 of 2019 on the file of the Family Court, Chennai, to be tried along with H.M.O.P.No.109 of 2019.

2. It is claimed that the petitioner is now residing at Kulithalai, Karur district along with her 11 year old daughter and she is to take care of her daughter. If the proceedings are to be held at Family Court at Chennai, her presence for every hearing will become mandatory and it will be difficult to the petitioner to travel from Kulithalai to Chennai for each and every hearing.

3. Considering the convenience of the parties particularly that of the wife and the fact that proceedings before the Family Court, will require the personal appearance of the parties for every hearing, I deem it fit to transfer the original petition from the file of the 7th Additional Family Court, Chennai to the file of the Sub Court, Kulithalai to be heard and disposed of along with H.M.O.P.No.109 of 2019. The inconvenience that may be caused to the respondent due to the transfer of this petition would be very



minimal, since he need not appear for every hearing before the Sub Court.

4. In view of the above, this transfer civil miscellaneous petition is allowed and H.M.O.P.No.3697 of 2019 is withdrawn from the file of the 7th Family Court, Chennai and transferred to Sub Court, Kulithalai to be tried along with H.M.O.P.No.109 of 2019. The 7th Family Court, Chennai is directed to forward the papers to the Sub Court, Kulithalai forthwith. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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Sub Assistant Registrar(CS)

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To

1.The Subordinate Judge, Kuzhithalai.

2.The Judge, VII Family Court, Chennai.

+1 CC to M/s.V.SASIKUMAR, Advocate (SR-9052[F] dated 28/02/2020)

+1 CC to M/s.S.JEYAVEL, Advocate (SR-9308[F] dated 28/02/2020)

TR.C.M.P. (MD) No.48 of 2020

26.02.2020

JMN(11.03.2020) 2P : 5C