



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.03.2020

CORAM

THE HONOURABLE Mrs. JUSTICE R.THARANI

TR C.M.P (MD) No.50 of 2020

and

C.M.P. (MD) No.879 of 2020

R.Keerthana @ Nithika

.... Petitioner

-Vs-

B.Prabaharan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in F.H.M.O.P.No.9 of 2019 on the file of the Family Court, Mannarkudi and to transfer the same to the Family Court, Karur.

For Petitioner

: Mr.S.Gokul Raj

For Respondent

: Mr.K.S.Durai Pandian

O R D E R

This Transfer Civil Miscellaneous petition is filed by the petitioner / wife seeking to transfer F.H.M.O.P.No.9 of 2019 on the file of the Family Court, Mannarkudi , to the file of the Family Court, Karur.

2. On the side of the petitioner, it is stated that the petitioner / wife is now residing at Karur with her parents, she is depending upon her parents' income and she is not able to travel to Mannarkudi alone to attend the Court hearings. The respondent / husband has filed a petition in F.H.M.O.P.No.9 of 2019 on the file of the Family Court, Mannarkudi, seeking for restitution of conjugal rights. The petitioner / wife also filed a petition in H.M.O.P.No.4 of 2020, seeking for divorce, pending before the Family Court, Karur and if both the cases are tried together it will be easy for both the parties to attend the Court and for the Judge to give a finding and prayed that F.H.M.O.P.No.9 of 2019 on the file of the Family Court, Mannarkudi, to be transferred to the file of the Family Court, Karur.

3. The objection raised by the respondent is not valid.



4. Since preference is given to the wife in family matters by the Hon'ble Apex Court, this Court is of the view that the case pending before the Family Court, Mannarkudi, in F.H.M.O.P.No.9 of 2019 is to be withdrawn and the same is to be transferred to the file of the Family Court, Karur.

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5. The Family Court, Mannarkudi, is directed to transmit the entire records in F.H.M.O.P.No.9 of 2019, to the file of the Family Court, Karur, for trial along with H.M.O.P.No.4 of 2020.

6. The Family Court, Karur, is hereby directed to issue fresh notice to the respondent after the case is transferred and renumbered and also to tag F.H.M.O.P.No.9 of 2019 along with H.M.O.P.No.4 of 2020, which is pending on his file, to conduct joint trial.

7. With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ls

To

1.The Family Court,
Mannarkudi,

2.The Family Court,
Karur,

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-11916[F] dated 16/03/2020)

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16.03.2020

kg(CO)

TR(25.06.2020)2P 4C