



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Tr.C.M.P. (MD) No.112 of 2020

and

C.M.P. (MD) No.2243 of 2020

WEB COPY

R.Santhi

... Petitioner / Respondent

-vs-

R.Janakiraman

... Respondent/ Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the H.M.O.P.No.311 of 2019 on the file of the Family Court, Thanjavur to the Court of Family Judge, Madurai and to try along with H.M.O.P. No.849 of 2019 pending on the file of Family Court, Madurai.

For Petitioner : Mr.J.Parekhkumar

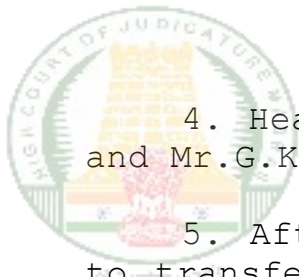
For Respondent : Mr.G.Karnan

O R D E R

The present Transfer Civil Miscellaneous Petition is filed for the transfer of H.M.O.P.No.311 of 2019, now pending on the file of the Family Court, Thanjavur to the Family Court, Madurai for being tried along with H.M.O.P. No.849 of 2019.

2. The petitioner is the wife of the respondent. She has laid H.M.O.P. No.849 of 2019 on the file of Family Court, Madurai for dissolution of her marriage with the respondent. The respondent, on his part, has filed H.M.O.P.No.311 of 2019 before the Family Court, Thanjavur for restitution of conjugal rights.

3. The learned counsel for the respondent submitted that while on principle the respondent is not against transfer of case, he has the responsibility to care and maintain his parents, who are in their 90's. In these circumstances, he submitted that in the eventuality of this Court considering transfer of H.M.O.P.No.311 of 2019 from Family Court, Thanjavur to Family Court, Madurai, the same may be transferred to Sub Court, Madurai since before the Family Court the parties are required to appear on every posting date, the respondent might find it difficult to abandon his very old parents frequently.



4. Heard Mr.J.Parekhkumar, learned counsel for the petitioner and Mr.G.Karnan, learned counsel for the respondent.

5. After hearing both sides, this Court deems it appropriate to transfer H.M.O.P.No.311 of 2019 pending on the file of Family Court, Thanjavur and H.M.O.P.No.849 of 2019 pending on the file of Family Court, Madurai to the file of the II Additional Sub Court, Madurai for disposal as per law.

6. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected C.M.P.(MD)No.2243 of 2020 is closed.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Family Court,
Thanjavur.
2. The Family Court,
Madurai.
3. The II Additional Sub Court,
Madurai.

Order made in
Tr.C.M.P. (MD) No.112 of 2020

Dated:
06.07.2020

SPU(15.07.2020) 2P 4C