



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.148 of 2020

and

C.M.P. (MD) No.2837 of 2020

WEB COPY

Balasaraswathi

.... Petitioner/Responent

-Vs-

P.Vinothkumar

.... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the H.M.O.P.No.204 of 2019 filed by the respondent on the file of the Sub Court, Theni and to transfer the same to the Family Court, Madurai for trial alongwith H.M.O.P.No.142 of 2020.

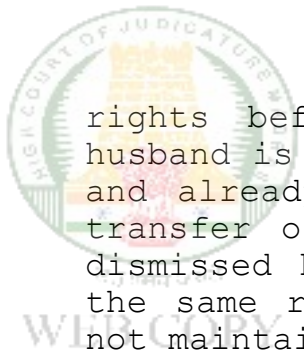
For Petitioner	:	Ms.K.M.Priscilla Jancy
For Respondent	:	Mr.P.Vinothkumar
		(party - in - person)

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner / wife seeking to withdraw the case in H.M.O.P.No.204 of 2019 on the file of the Sub Court, Theni and to transfer the same to the file of the Family Court, Madurai, in H.M.O.P.No.142 of 2020.

2. On the side of the petitioner, it is stated that the petitioner / wife is having an one year old baby and that she has to take care of her child. It is further stated that a petition in D.V.C.No.789 of 2019 is pending before the Mahila Court, Madurai and a complaint lodged by the petitioner before the All Women Police Station, Thilagar thidal police station, Madurai, in Crime No.10 of 2019 is pending and that the petitioner / wife has also filed a petition for restitution of conjugal rights in H.M.O.P.No.142 of 2020, pending before the Family Court, Madurai. The respondent / husband filed a divorce petition in H.M.O.P.No.204 of 2019 before the Sub Court, Theni. The petitioner / wife could not travel to Theni to attend the Court hearings. Hence, prayed the case to be transferred to the Family Court, Madurai for trial along with H.M.O.P.No.142 of 2020.

3. On the side of the respondent, it is stated that the petitioner / wife has filed various complaints against the respondent / husband in five different police stations. After the filing of the divorce petition, the petitioner / wife filed all the criminal cases and also filed a petition for restitution of conjugal



rights before the Family Court, Madurai, and the respondent / husband is paying maintenance of Rs.8,000/- to the petitioner / wife and already similar petition filed by the petitioner / wife, for transfer of divorce petition, in Tr.C.M.P.(MD)No.389 of 2019, was dismissed by this Court, on 24.10.2019 the transfer petition for the same relief was already dismissed and hence, this petition is not maintainable.

4. The petitioner has filed this petition after her earlier petition was dismissed by this Court. In view of the above circumstances, this Court deems it fit to withdraw the H.M.O.P.No.142 of 2020 from the file of the Family Court, Madurai and to transfer the same to the Sub Court, Theni for trial along with H.M.O.P.No.204 of 2019.

5. The Family Court, Madurai, is directed to transmit the entire records in H.M.O.P.No.142 of 2020 to the Subordinate Judge, Theni.

6. The Subordinate Judge, Theni, is hereby directed to issue sufficient notice to both the parties, after the case is transferred and renumbered and also to tag H.M.O.P.No.142 of 2020 along with H.M.O.P.No.204 of 2019, which is pending on his file and to conduct joint trial.

7. With the above direction, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Family Court,
Madurai.

2.The Subordinate Judge,
Theni.

+1 CC to M/s.S.S.THANGARAJ, Advocate (SR-12376[F] dated 18/03/2020)

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16.03.2020

SPU (11.06.2020) 2P-4C

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