



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P(MD)Nos.199 and 234 of 2020  
and  
C.M.P(MD) Nos.4146 & 5287 of 2020

Tr.C.M.P(MD)No.199 of 2020

Dr.N.Kirubanantha Sarathy

... Petitioner

-Vs-

R.Sarojini

... Respondent

**Prayer:** Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition for restitution of conjugal rights in F.C.O.P.No.84 of 2020 on the file of the Family Court, Thanjavur and to transfer the same to the file of the Principal Sub Court, Madurai to be heard along with the divorce petition in H.M.O.P.No.32 of 2020.

For Petitioner : Mr.J.Barathan

For Respondent : Mr.K.Baalasundharam

Tr.C.M.P(MD)No.234 of 2020

Sarojini

... Petitioner

-Vs-

Dr.Kirubanantha Sarathy

... Respondent

**Prayer:** Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.167 of 2018 on the file of the Sub-Court, Ramanathapuram renumbered as H.M.O.P.No.32 of 2020 on the file of the Principal Sub-Court, Madurai and transfer the same to the file of Family Court, Thanjavur for joint trial along with F.C.O.P.No.84 of 2020.

For Petitioner : Mr.K.Baalasundharam

For Respondent : Mr.J.Barathan



**C O M M O N   O R D E R**

These two transfer petitions relate to the same proceedings. In Tr.C.M.P(MD)No.234 of 2020 the wife seeks transfer of H.M.O.P.No.32 of 2020 filed by the husband for divorce from the file of the Principal Sub-Court, Madurai to the Family Court, Thanjavur to be tried along with F.C.O.P.No.84 of 2020. In Tr.C.M.P(MD)No.199 of 2020 the husband seeks transfer of F.C.O.P.No.84 of 2020 filed by the wife for restitution of conjugal rights from the file of the Family Court, Thanjavur to Principal Sub-Court, Madurai to be tried along with H.M.O.P.No.32 of 2020.

2.While the wife would seek transfer on the ground of convenience and claimed that she is living with her age old parents along with her Special Child at Thanjavur and undergoing travel to Madurai for every hearing before the Principal Sub-Court, Madurai is very difficult for her. The husband would seek transfer on the ground that he was suffering some ailments.

3. Considering the facts and circumstances of the case, F.C.O.P.No.84 of 2020 is withdrawn from the file of the Family Court, Thanjavur and transferred to the file of the Principal Sub-Court, Madurai. The Principal Sub-Court, Madurai is directed to try both petitions in H.M.O.P.No.32 of 2020 and F.C.O.P.No.84 of 2020 jointly. The Family Court, Thanjavur is directed to transmit the records in F.C.O.P.No.84 of 2020 to the file of Principal Sub-Court, Madurai, forthwith.

4. Considering the fact that the petitioner/wife in Tr.C.M.P.(MD)No.234 of 2020 is taking care of her special child, the Principal Sub-Court, Madurai is directed to dispose of both petitions as expeditiously as possible, at any rate, within a period of six months from the date of receipt of a copy of the records from the Family Court, Thanjavur, after due notice and opportunity to both parties.

5. Accordingly, both the Transfer Civil Miscellaneous Petitions are disposed of. However, there will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



**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 Judge, Family Court,  
Thanjavur.
2. The Principal Subordinate Judge,  
Madurai.

+1 CC to Mr.T.R.JEYAPALAM, Advocate ( SR-23701[F] dated 02/12/2020 )

**Tr.C.M.P(MD)Nos.199 and 234 of 2020**  
**30.11.2020**

SR(CO)  
KM (15.12.2020) 3P 4C