



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.01.2020**

CORAM:

THE HONOURABLE **MR.JUSTICE R.SUBRAMANIAN**

Tr.C.M.P. (MD)No.487 of 2019

K.Esther ... Petitioner / Petitioner

Vs.

F.Benitto Prabu ... Respondent / Respondent

PRAYER: This Petition is filed under Section 24 of Civil Procedure Code, to withdraw I.D.O.P.No.408 of 2019 on the file of the Family Court, Tiruchirappalli and transfer the same to the file of the Family Court, Viluppuram to be tried along with I.D.O.P.No.5 of 2018.

For Petitioner : Mr.R.Karunanidhi

For Respondent : No Appearance

O R D E R

The petitioner / wife, who is facing proceedings for divorce in I.D.O.P.No.53 of 2018 originally filed on the file of the Family Court, Chengalpet, sought for transfer of the said proceedings to Family Court, Tiruchirappalli. This Court, by order dated 10.10.2018, transferred the proceedings to Family Court, Vilupuram. It is stated that I.D.O.P.No.53 of 2018, now re-numbered as I.D.O.P.No.5 of 2018 is pending before the Family Court, Vilupuram. In the meantime, the petitioner / wife has filed I.D.O.P.No.408 of 2019 for restitution of conjugal rights on the file of the Family Court, Trichirappalli. This petition has been filed seeking transfer of the said proceedings viz., I.D.O.P.No.408 of 2019 pending on the file of the Family Court, Trichirappalli to the Family Court, Vilupuram to be tried and disposed of along with I.D.O.P.No.5 of 2018.

2.The respondent, though served is not appearing either in person or through counsel, duly instructed.

3.Considering the fact that if the two proceedings are allowed to go on in different Courts, there is a possibility of conflicting Judgments and in the interest of justice, I.D.O.P.No.408 of 2019 is withdrawn from the file of the Family Court, Trichirappalli and transferred to the file of Family Court, Vilupuram, to be tried along



with I.D.O.P.No.5 of 2018, which is already pending before the Family Court, Vilupuram. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The Family Court, Trichirappalli is directed to forward the papers in I.D.O.P.No.408 of 2019 to the Family Court at Vilupuram. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Judge, Family Court, Trichirappalli.

2.The Judge, Family Court, Vilupuram.

+1 CC to M/s.R.KARUNANITHI, Advocate (SR-1065[F] dated 09/01/2020)

Tr.C.M.P. (MD)No.487 of 2019
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JMN(27.01.2020) 2P : 4C