



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

TR.C.M.P. (MD) No.509 of 2019

and

C.M.P (MD) No.11769 of 2019

S.Sumathi

... Petitioner/Respondent

vs.

G.Sundarapandian

... Respondent/Petitioner

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the proceedings in H.M.O.P.No.109 of 2019 on the file of the Family Court, Devakottai and transfer the same to the Family Court, Madurai to be tried along with H.M.O.P.No.977 of 2018.

For Petitioner	: M/s.B.Asha
For Respondent	: No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition is filed for transfer of H.M.O.P.No.109 of 2019 now pending on the file of the Family Court, Devakottai to the file of Family Court, Madurai to be tried along with H.M.O.P.No.977 of 2018.

2.The notice sent to the respondent returned with a postal endorsement 'unclaimed' sometime in December 2019. Hence, the service is held sufficient.

3.The petitioner herein is the wife of the respondent. She has filed H.M.O.P.No.977 of 2018 before the Family Court, Madurai for restitution of conjugal rights. During its pendency and after coming to know of the said petition, the respondent has filed H.M.O.P.No.109 of 2019 before the Family Court, Devakottai. It is to transfer the petition filed by the respondent, the present petition is filed.

3. It is averred in the petition that the petitioner was married to the respondent in March, 2012 and that there was a medical termination of her pregnancy in the very year, that she was sent to her parents house for convalescence. But, the respondent never visited her and took her back.

4. The petitioner also says that she had preferred a complaint through her mother to the Inspector of the Police, Karaikudi. The said complaint was for tracing the petitioner's husband. But, no



action was taken on it. It is in these circumstances, the respondent issued a legal notice, dated 10.08.2018 seeking dissolution of marriage by mutual consent. This was replied to appropriately. It is from this legal notice, the petitioner came to know about the whereabouts of the respondent and promptly filed H.M.O.P.No.977 of 2018 for restitution of conjugal rights before the Family Court, Madurai. The petitioner says that she is now under the support and care of her 76 year old father and brother. Her brother is only a driver, who is earning Rs.8,000/- per month and hence, she cannot travel to Devakottai, which is about 90 KM away.

5. Taking into consideration the nature of allegation made in the petition, this Court finds adequate reasons to transfer the case as prayed for. Accordingly, this transfer civil miscellaneous petition is allowed. The proceedings in H.M.O.P.No.109 of 2019 pending on the file of the Family Court, Devakottai is directed to be withdrawn from the said Court and transferred to the file of the Family Court, Madurai to be tried and disposed along with H.M.O.P.No.977 of 2018 in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ta/tsg

To

1.The Family Court, Devakottai,
Sivagangai district.

2.The Family Court, Madurai.

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16.07.2020

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