



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.126 of 2021

and C.M.P (MD)No.2491 of 2021

WEB COPY

A.R.Jeyaprabha

... Petitioner/Respondent

-vs-

A.N.Balaji

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.262 of 2020 on the file of the Family Court, Madurai and to transfer the same to the file of the Sub Court, Paramakudi to be tried along with H.M.O.P.NO.68 of 2020 pending before the same court.

For Petitioner : Mr.PT.S.Narendravasan
For Respondent : Mr.V.Pandian

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.262 of 2020 on the file of the Family Court, Madurai and to transfer the same to the file of the Sub Court, Paramakudi to be tried along with H.M.O.P.NO.68 of 2020 pending before the same court.

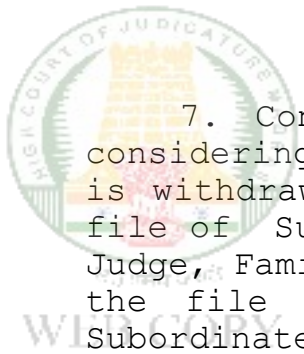
2.The respondent has filed H.M.O.P.No.262 of 2020 before the Family Court, Madurai for divorce. H.M.O.P.No.68 of 2020 on the file of the Subordinate Court, Paramakudi was filed by the petitioner/wife for restitution of conjugal rights.

3. The learned counsel for the petitioner/wife submitted that the petitioner is under the custody of her widowed mother and the petitioner is having two minor children. The distance between Madurai to Paramakudi is nearly 180 kms and the petitioner has also filed H.M.O.P.NO.68 of 2020 before the Subordinate Court, Paramakudi. In this circumstance, it is difficult for the petitioner to travel from Paramakudi to Madurai. Hence, the petitioner prays for transfer of H.M.O.P.No. 262 of 2020 from the file of the Family Court, Madurai to the file of the Sub Court, Paramakudi, to be tried along with H.M.O.P.No.68 of 2020.

4. The learned counsel appearing for the respondent submitted that he has no objection for transferring the petition.

5. This Court considered the arguments made by both sides.

6. This Court is satisfied with the reasons stated in the affidavit filed in support of this petition.



7. Considering the facts and circumstances of the case and considering the submission made both sides, H.M.O.P.No.262 of 2020 is withdrawn from the Family Court, Madurai and transferred to the file of Subordinate Court, Paramakudi, for disposal as per law. The Judge, Family Court, Madurai, is directed to transmit the papers to the file of the Subordinate Court, Paramakudi forthwith. The Subordinate Judge, Paramakudi, is directed to dispose H.M.O.P.No.262 of 2020 to be tried along with H.M.O.P.NO.68 of 2020 on merits and in accordance with law as expeditiously as possible.

8. In fine, this petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

msa/CM

To:

1. The Subordinate Judge, Paramakudi.

2. The Judge, Family Court, Madurai.

+1 CC to M/s.PT.S.NARENDRAVASAN, Advocate (SR-18042[F] dated 29/04/2021)

Order made in
Tr.C.M.P. (MD) No.126 of 2021
and C.M.P (MD) No.2491 of 2021

Dated:
29.04.2021

RK(12.05.2021) 2P 4C