



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.63 of 2021

and

C.M.P. (MD)No.1200 of 2021

Gayathri

... Petitioner/Respondent

-VS-

Rajendran

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer H.M.O.P.No.327 of 2019 on the file of the learned Family Court, Dindigul to the learned III Additional Sub Court at Madurai to be clubbed with H.M.O.P.No.159 of 2020.

For Petitioner : Mr.A.R.Kannappan

For Respondent : Mr.S.C.Herold Singh

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.327 of 2019 on the file of the Family Court, Dindigul and transfer the same to the file of the III Additional Sub Court at Madurai to be clubbed with H.M.O.P.No.159 of 2020.

2.The respondent/husband has filed H.M.O.P.No.327 of 2019 before the Family Court, Dindigul for restitution of conjugal rights and the petitioner/wife has filed H.M.O.P.No.159 of 2020 before the III Additional Sub Court, Madurai for divorce.

3.The learned counsel for the petitioner/wife submits that the petitioner is having two female children and she has to look after two children. In such circumstances, it is difficult for the petitioner to travel from Madurai to Dindigul for attending every hearing in H.M.O.P.No.327 of 2019 on the file of the Family Court, Dindigul and H.M.O.P.No.327 of 2019 may be transferred to the file of the III Additional Sub Court, Madurai for trying along with H.M.O.P.No.159 of 2020.

4. The learned counsel for the respondent submitted that though he has no objection for transferring the case, the appearance of the respondent may be dispensed with.



5. This Court is satisfied with the reasons assigned in the affidavit filed in support of this petition.

6. In view of the same, H.M.O.P.No.327 of 2019 is withdrawn from the file of on the file of the Family Court, Dindigul and transferred to the file of the III Additional Sub Court, Madurai to be tried along with H.M.O.P.No.159 of 2020 for disposal as per law. The Judge, Family Court, Dindigul is directed to transmit the papers to the III Additional Sub Court, Madurai District forthwith. The III Additional Subordinate Judge, Madurai District is directed to dispose H.M.O.P.No.327 of 2019 along with H.M.O.P.No.159 of 2020 on merits and in accordance with law as expeditiously as possible.

7. The personal appearance of the parties before the III Additional Subordinate Court, Madurai is dispensed with, except on the dates of hearing, on which, the learned Judge insists upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the court.

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

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Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MSA/CM

1. The III Additional Subordinate Judge
Madurai

2. The Judge, Family Court
Dindigul.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-16153[F] dated 17/04/2021)

+1 CC to M/s.A.R.KANNAPPAN, Advocate (SR-16420[F] dated 19/04/2021)

Order made in

Tr.C.M.P. (MD) No.63 of 2021

and

C.M.P. (MD)No.1200 of 2021

Dated:

16.04.2021

CN(05.05.2021) 2P 5C