



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.73 of 2021

and

CMP(MD) .No.1361 of 2021

WEB COPY

S.Vidhya

... Petitioner

-vs-

R.Raja

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer F.C.H.M.O.P.No.264 of 2020 on the file of the Family Court, Ariyalur to the Family Court, Tiruchirappalli to try along with the H.M.O.P.No.42 of 2021 on the file of Family Court, Tiruchirappalli.

For Petitioner : Mr.P.Arun Jayatram
For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer F.C.H.M.O.P.No.264 of 2020 on the file of the Family Court, Ariyalur to the Family Court, Tiruchirappalli to try along with the H.M.O.P.No.42 of 2021 on the file of Family Court, Tiruchirappalli.

2.The respondent/husband has filed F.C.H.M.O.P.No.264 of 2020 before the Family Court, Ariyalur, for divorce. The petitioner/wife has filed H.M.O.P.No.42 of 2021 before the Family Court, Tiruchirappalli, for restitution of conjugal rights and also filed M.C.No.1 of 2021 for maintenance.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing at Trichy and no one available to accompany with her to travel for long distance. The distance between Trichy and Ariyalur is nearly 85 kms. In such circumstances, it is difficult for the petitioner to attend the hearing in F.C.H.M.O.P.No.264 of 2020 before the Family Court, Ariyalur. Therefore, he seeks to transfer the case to Tiruchirappalli.

4.Though the substituted service was effected and name of the respondent was also printed in the cause list, the respondent has not chosen to appear either in person or through counsel.



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

6.Considering the facts and circumstances of the case and considering the submission made by the learned counsel for the petitioner, F.C.H.M.O.P.No.264 of 2020 is withdrawn from the Family Court, Ariyalur and transferred to the file of Family Court, Tiruchirappalli, for disposal as per law. The learned Judge, Family Court, Ariyalur, is directed to transmit the papers to the file of the Family Court, Tiruchirappalli, forthwith. The learned Judge, Family Court, Tiruchirappalli, is directed to club the proceedings in F.C.H.M.O.P.No.264 of 2020 along with H.M.O.P.No.42 of 2021 together and dispose of the same on merits and in accordance with law as expeditiously as possible.

7.The personal appearance of both parties before the Family Court, Tiruchirappalli, is dispensed with, except the dates of hearing, on which, the learned Judge insisted 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 Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

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, Ariyalur.
2. The Judge, Family Court, Tiruchirappalli.

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LS (CO)

LR (03.08.2021) 2P 3C

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