



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2021

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THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)Nos.128 & 152 of 2021
and
C.M.P(MD) Nos.2530 & 2986 of 2021

W.R.Silpa :Petitioner/ in Tr.C.M.P(MD)No.128 of 2021
and Respondent in Tr.Cmp.152/2021

-Vs-

M.Varun :Respondent /in Tr.C.M.P(MD)No.128 of 2021
and Petitioner in Tr.Cmp.152/2021

Prayer in Tr.C.M.P(MD)No.128 of 2021 : Transfer Civil Miscellaneous
Petition filed under Section 24 of C.P.C., to withdraw
G.W.O.P.No.14 of 2021 from the file of the Family Court,
Ramanathapuram to the Family Court at Coimbatore to be tried along
with O.S.No.18 of 2021, on the file of the Family Court, Coimbatore.

Prayer in Tr.C.M.P(MD)No.152 of 2021 : Transfer Civil Miscellaneous
Petition filed under Section 24 of C.P.C., to withdraw the suit for
restitution of conjugal rights in O.S.No.18 of 2021, from the file
of the Principal Family Court, Coimbatore and to transfer the same
to the file of the Family Court, Ramanathapuram to be tried
simultaneously with G.W.O.P.No.14 of 2021.

For Petitioner in
Tr.Cmp.128/2021
and Respondent in
Tr.Cmp.152/2021 : Mr.B.Jameel Arasu

For Respondent in
Tr.Cmp.128/2021
and Petitioner in
Tr.Cmp.152/2021 : Mr.J.Barathan

(In Tr.C.M.P(MD)No.128 of 2021)
and Petitioner in Tr.Cmp.152/2021



C O M M O N O R D E R

These two transfer petitions are by the husband and the wife seeking transfer of the proceedings to their respective place of residence, namely, Ramanathapuram and Coimbatore.

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2.In Tr.CMP(MD) No.128 of 2021, the wife seeks transfer of G.W.O.P No.14 of 2021, from the file of the Family Court, Ramanathapuram to the Family Court, Coimbatore to be tried along with O.S.No.18 of 2021, filed by her seeking Restitution of Conjugal Rights.

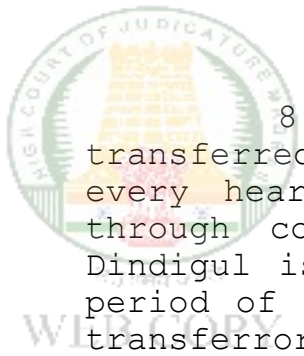
3.In Tr.CMP(MD) No.152 of 2021, the husband seeks transfer of O.S.No.18 of 2021 to the file of Family Court, Ramanathapuram, to be tried along with G.W.O.P.No.14 of 2021, pending on its file.

4.The fact that the wife is a resident of Coimbatore and the husband is a resident of Ramanathapuram is not denied. The husband would object to the maintainability of the very suit in O.S.No.18 of 2021, claiming that the parties were married as per Hindu Rites and as such only Original Petition under Section 9 of the Hindu Marriage Act would be maintainable. However, in her plaint, the wife has chosen to claim that she is a Christian. I do not propose to go into the legality or otherwise of the marriage in the light of these conflicting claims, since I am only dealing with the transfer petitions.

5.The husband would submit that since the wife is a practicing Lawyer in Coimbatore, the atmosphere there would not be conducive for him to defend or prosecute the proceedings. The claims and counter claims made in the notice and reply notice also justify the apprehension of the husband to a certain extent. At the same time, the convenience of the parties, particularly, the wife should be borne in mind, while deciding the cases seeking transfer.

6.Bearing in mind the fact that the wife is a practicing lawyer at Coimbatore and the husband is having custody of the male child aged about 7 years, I am of the opinion that the proceedings could be transferred to a neutral venue in between Coimbatore and Ramanathapuram.

7.In view of the above, both the transfer petitions are allowed. G.W.O.P.No.14 of 2021 and O.S.No.18 of 2021 are withdrawn from the files of the Family Court, Ramanathapuram and the Family Court, Coimbatore respectively and transferred to the Family Court, Dindigul, which is situate almost equi distant from Ramanathapuram and Coimbatore. The Family Court, Ramanathapuram and the Family Court, Coimbatore are directed to transmit the papers to the Family Court, Dindigul, forthwith.



8.Considering the fact that the proceedings are transferred to the Family Court, the presence of the parties for every hearing is dispensed with. Parties are allowed to appear through counsels for non-effective hearings. The Family Court, Dindigul is directed to dispose of both the proceedings, within a period of a year, from the date of receipt of the papers from the transferror Courts.

9.Both the Transfer Civil Miscellaneous Petitions are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

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Sub Assistant Registrar(CS)

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To

1.The Presiding Judge,
The Family Court, Ramanathapuram

2.The Presiding Judge
The Family Court, Coimbatore

3.The Presiding Judge
The Family Court, Dindigul

Copy to
The Registrar Judicial
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.Barathan, Advocate (SR-13978 and 13979 dated 26/03/2021)

Common Order made in
Tr.C.M.P(MD)Nos.128 & 152 of 2021
and
C.M.P(MD) Nos.2530 & 2986 of 2021

25.03.2021

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