



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2021

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THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.137 of 2021

and

C.M.P(MD) No.2636 of 2021

Senthil Murugan

... Petitioner /Respondent

-Vs-

Saranya

... Respondent /Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition for restitution of conjugal rights in H.M.O.P.No.89 of 2021, on the file of the Family Court, Madurai and to transfer the same to the file of the Principal Subordinate Court, Madurai, to be heard along with the divorce petition.

For Petitioner : Mr.J.Barathan
For Respondent : Mr.V.Raghavachari

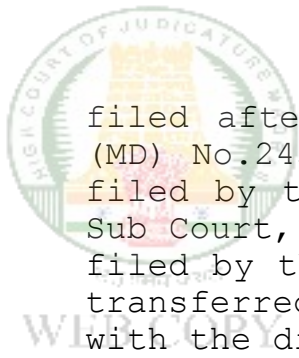
O R D E R

The petitioner/husband seeks transfer of H.M.O.P.No.89 of 2021, filed by the wife, seeking Restitution of Conjugal Rights, on the file of the Family Court, Madurai to the Principal Sub Court, Madurai, to be tried along with the divorce petition filed by him, on the file of the Sub Court, Ramanathapuram and transferred to the file of the Principal Sub Court, Madurai, vide order dated 07.01.2021, made in Tr.CMP(MD).No.245 of 2020.

2.The husband had filed a petition for divorce on the file of the Family Court at Ramanathapuram in H.M.O.P.No.124 of 2019. The wife sought for transfer of the same to the Family Court at Madurai.

3.Considering the convenience of the parties as well as the fact that the husband who is a resident of Ramanathapuram will be forced to appear for every hearing, if the petition is transferred to the Family Court at Madurai, I had directed the transfer of the said H.M.O.P.No.124 of 2019 to the Principal Sub Court, Madurai.

4.It is now seen that the respondent wife had filed H.M.O.P.No.89 of 2021, seeking Restitution of Conjugal Rights, on the file of the Family Court at Madurai. The said petition had been



filed after the filing of the earlier transfer petition in Tr.CMP (MD) No.245 of 2020. Considering the fact that the divorce petition filed by the husband has already been transferred to the Principal Sub Court, Madurai, this petition in H.M.O.P.No.89 of 2021, which is filed by the wife for Restitution of Conjugal Rights should also be transferred to the Principal Sub Court, Madurai to be heard along with the divorce petition.

5.Hence, this Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.89 of 2021, on the file of the Family Court, Madurai is withdrawn and transferred to the file of the Principal Sub Court, Madurai, to be tried along with the divorce petition, which has already been transferred to the Principal Sub Court, Madurai. The Family Court, Madurai is directed to transmit the papers to the Principal Sub Court, Madurai forthwith. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Judge,
The Family Court, Madurai.

2.The Principal Subordinate Court, Madurai,

Copy to

The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai. (2 Copies)

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-14216[F] dated 29/03/2021)

+1 CC to M/s.V.RAGHAVACHARI, Advocate (SR-14507[F]dated 30/03/2021)

Order made in
Tr.C.M.P(MD)No.137 of 2021
and
C.M.P(MD) No.2636 of 2021
29.03.2021

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