



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR.CMP(MD).No.154 of 2020 and
CMP(MD).No.2905 of 2020

A.Sridevi

... Petitioner

Vs.

K.Jaisankar

... Respondent

Prayer: Transfer CMP filed under Section 24 CPC to withdraw the HMOP.No.5 of 2020 on the file of Family Court, Sivagangai and transfer the same to the Sub Court, Muthukulathur.

For petitioner : Ms.P.Malini
For respondent : No appearance

ORDER

Despite service of notice, respondent / husband has not appeared either in person or through counsel duly instructed.

2. The petitioner / wife seeks transfer of proceedings in HMOP.No. 5 of 2020 filed by the respondent / husband on the file of Family Court, Sivagangai, seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act, to the Sub Court, Muthukulathur.

3. It is seen from the affidavit filed in support of the transfer petition that the petitioner / wife has launched the proceedings for divorce in HMOP.No.951 of 2017 on the file of the Family Court, Madurai and at her instance, this Court had transferred the said HMOP.No.951 of 2017 from the file of Family Court, Madurai, to Sub Court, Muthukulathur, by order, dated 03.03.2020 in Transfer CMP(MD).No.23 of 2020. Now, the said HMOP filed by the wife for divorce is pending before the Sub Court, Muthukulathur.

4. Considering the same, the Transfer CMP is allowed and the HMOP.No.5 of 2020 pending on the file of the Family Court at Sivagangai is withdrawn and transferred to the file of the Sub Court, Muthukulathur to be tried along with petition for divorce filed by the petitioner / wife, which has been transferred to the Sub Court, Muthukulathur. Family Court, Sivagangai is directed to



WEB COPY

TR.CMP(MD).No.154 of 2020 and

transmit the papers to the file of the Sub Court, Muthukulathur, forthwith. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS-)

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, Sivagangai.
2. The Subordinate Judge, Muthukulathur.

+1 CC to Ms.P.MALINI, Advocate (SR-1073[F] dated 19/01/2021)

TRP

TE : 04/02/2021 : 2P/4C

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