



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.157 of 2021

and

C.M.P. (MD)No.3044 of 2021

WEB COPY

Meenapriya

... Petitioner/Respondent

-vs-

Rajalingam @ Raja

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.100 of 2020 from the file of the learned Sub Court, Kulithalai at Karur and transfer the same to the file of the learned Family Court at Madurai to be tried along with H.M.O.P.No.161 of 2021 and to dispose of the same in accordance with law.

For Petitioner : Mr.K.Srinivasaragavan

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.100 of 2020 from the file of the learned Sub Court, Kulithalai at Karur and transfer the same to the file of the learned Family Court at Madurai to be tried along with H.M.O.P.No.161 of 2021 and to dispose of the same in accordance with law.

2.The petitioner/wife has filed H.M.O.P.No.161 of 2021 before the Family Court, Madurai, for divorce. The respondent/husband has filed H.M.O.P.No.100 of 2020 before the Subordinate Court, Kulithalai, Karur District for restitution of conjugal rights.

3. The learned counsel for the petitioner/wife submitted that the petitioner is not having any income and she is depending on her mother for her financial needs. The respondent has not paid any amount towards maintenance. The distance between Madurai and Karur is approximately 150 kms. Due to the financial circumstances, the petitioner is not in position to travel from Madurai to Karur. He would further submit that if the cases are tried by different courts, it would lead to conflicting judgments. Therefore, the petitioner seeks transfer of H.M.O.P.No.100 of 2020 to the file of Family Court, Madurai, to be tried along with H.M.O.P.No.161 of 2021.



4. Though the name of the respondent is printed in the cause list, the respondent has not chosen to appear either in person or through counsel duly instructed.

5. This Court considered the arguments made by the learned counsel for the petitioner.

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

7. Considering the facts and circumstances of the case and considering the submission made by the learned counsel for the petitioner, H.M.O.P.No.100 of 2020 is withdrawn from the Sub Court, Kulithalai, Karur District and transferred to the file of the Family Court, Madurai, for disposal as per law. The learned Subordinate Judge, Kulithalai, Karur District, is directed to transmit the papers to the file of the Family Court, Madurai, forthwith. The Judge, Family Court, Madurai, is directed to dispose H.M.O.P.No.100 of 2020 along with H.M.O.P.No.161 of 2021 on merits and in accordance with law as expeditiously as possible.

8. In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1. The Subordinate Judge
Kulithalai, Karur District.
2. The Judge, Family Court, Madurai.

Order made in
Tr.C.M.P. (MD) No.157 of 2021
and
C.M.P. (MD) No.3044 of 2021
Dated: 18.06.2021

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TR(25.06.2021) 2P 3C