



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.164 of 2021
and CMP (MD) .No.3131 of 2021

WEB COPY

A.Aswini @ Sindhu ... Petitioner/Respondent

-vs-

P.Ramesh Kumar ... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.164 of 2020 on the file of the Subordinate Judge's Court, Tambaram, Chennai and to transfer the same to the learned Family Judge's Court at Nagercoil, Kanyakumari District for further proceedings.

For Petitioner : Ms.L.Victoria Gowri
For Respondent : Mr.S.Sivakumar

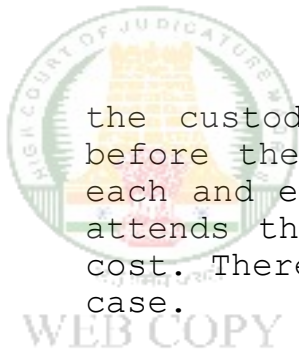
O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.164 of 2020 on the file of the Subordinate Judge's Court, Tambaram, Chennai and to transfer the same to the learned Family Judge's Court at Nagercoil, Kanyakumari District for further proceedings.

2.The respondent/husband has filed HMOP.No.164 of 2020 before the learned Subordinate Judge, Tambaram, Chennai, for restitution of conjugal rights. The petitioner/wife has filed DVOP No.6 of 2020, H.M.O.P.No.191 of 2021, M.C.No.15 of 2020 and G.W.O.P.No.693 of 2021 before the concerned Court at Nagercoil seeking various reliefs.

3. The learned counsel for the petitioner/wife submitted that the petitioner is living with her parents. Both of them are senior citizens and they are suffering from multiple ailments. The distance between Nagercoil to Chennai is nearly 700 kms. In such circumstances, it is difficult for the petitioner to travel from Nagercoil to Chennai for attending the Court hearing in HMOP.No.164 of 2020. She further submitted that if the cases are tried by different courts for the very same subject matter in issue between the same parties, conflict of decision may arise. Hence, she seeks to transfer the case to the file of Family Court, Nagercoil.

4. The learned counsel for the respondent/husband submitted that the respondent is working as a Techno Architect in Infosys Company at Chennai and his child namely Nishanthkoushick, is under



the custody of the respondent. Since the above HMOP is pending before the Subordinate Court, there is no necessity to appear for each and every hearing. He further submitted that if the petitioner attends the Court at Chennai, the respondent is ready to bear the cost. Therefore, the respondent has strongly opposed to transfer the case.

5.Considering the facts and circumstances of the case and considering the arguments made by both sides and to avoid conflicting judgments, HMOP.No.164 of 2020 is withdrawn from the learned Subordinate Judge, Tambaram, Chennai and transferred to the file of Family Court, Nagercoil, for disposal as per law. The learned Subordinate Judge, Tambaram, Chennai is directed to transmit the papers to the file of the Family Court, Nagercoil, forthwith. The learned Judge, Family Court, Nagercoil, is directed to dispose of the case in HMOP.No.164 of 2020 on merits and in accordance with law as expeditiously as possible.

6.The personal appearance of both parties before the Family Court, Nagercoil, 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.

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

- 1.The Judge,Family Court, Nagercoil.
- 2.The Subordinate Judge, Tambaram, Chennai.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-22598[F] dated 14/07/2021)

Order made in
Tr.C.M.P. (MD) No.164 of 2021
and CMP(MD) .No.3131 of 2021

Dated:12.07.2021

SSS(CO)

TR(19.07.2021) 2P 4C