



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.236 of 2021
and C.M.P. (MD)No.4424 of 2021

WEB COPY

Poornima

... Petitioner

-VS-

Harihara Ramkumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Section 151 of the Code of Civil Procedure, to withdraw the case from the file of the Family Court, Dindigul in HMOP No.115 of 2021 and transfer the same to the Sub Court, Aruppukottai to try along with the case in HMOP No.40 of 2021.

For Petitioner : Mr.B.Anandan

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case from the file of the Family Court, Dindigul in HMOP No.115 of 2021 and transfer the same to the file of Sub Court, Aruppukottai to try along with the case in HMOP No.40 of 2021.

2.The respondent/ husband has filed HMOP No.115 of 2021 before the Family Court, Dindigul, for restitution of conjugal rights. The petitioner/wife has filed HMOP No.40 of 2021 before the Sub Court, Aruppukottai, for divorce,

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing with her mother in Aruppukottai and she is having five months child and she has no source of income and she is depending on her parents for her daily needs. The distance between Aruppukottai and Dindigul is nearly 115 kms. Moreover, there is life threat at the hands of the respondent. In such circumstances, it is very difficult for the petitioner to attend every hearing in H.M.O.P.No.115 of 2021 before the Family Court, Dindigul. Therefore, he seeks to transfer the case to the file of Sub Court, Aruppukottai.



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.

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

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner, H.M.O.P.No.115 of 2021 is withdrawn from the file of the Family Court, Dindigul and transferred to the file of the Sub Court, Aruppukottai, for disposal as per law. The Judge, Family Court, Dindigul, is directed to transmit the papers to the Sub Court, Aruppukottai, forthwith. The learned Subordinate Judge, Aruppukottai, is directed to club H.M.O.P.No.115 of 2020 along with H.M.O.P.No.40 of 2021 together and dispose of the same on merits and in accordance with law as expeditiously as possible.

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

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

- 1.The Judge, Family Court, Dindigul.
- 2.The Subordinate Judge, Aruppukottai.

Order made in

Tr.C.M.P. (MD) No.236 of 2021

and

C.M.P. (MD)No.4424 of 2021

Dated: 29.07.2021

vr (CO)

TR(06.08.2021) 2P 3C