



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.264 of 2021

and

C.M.P. (MD) No.5370 of 2021

B.Sindhuja Gayathri

... Petitioner /Respondent

-vs-

R.Ravi

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Section 151 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.56 of 2021 from the file of the Principal Sub Court, Dindigul and transfer the same to the file of Family Court, Madurai.

For Petitioner : Mr.S.Thirupathi

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.56 of 2021 from the file of the Principal Sub Court, Dindigul and transfer the same to the file of Family Court, Madurai.

2.The respondent/ husband has filed H.M.O.P.No.56 of 2021 before the Principal Sub Court, Dindigul, for restitution of conjugal rights.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having three months tender child and she is residing with her parents in Madurai and she has no source of income. In such situation, it is difficult for the petitioner to attend the Court hearing at Dindigul. Moreover, the respondent/husband is working as Assistant Professor in Ultra Engineering College at Othakkadai in Madurai and therefore, it is not difficult for the respondent to attend the Court hearing at Madurai. Therefore, he seeks to transfer the case.

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 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the case and also considering the submissions made by the learned counsel for the petitioner, H.M.O.P.No.56 of 2021 is withdrawn from the file of the Subordinate Court, Dindigul and transferred to the file of the Family Court, Madurai District, for disposal as per law. The learned Subordinate Judge, Dindigul, is directed to transmit the papers to the Family Court, Madurai District, forthwith. The learned Judge, Family Court, Madurai District, is directed to dispose of the proceedings in H.M.O.P.No.56 of 2021 on merits and in accordance with law as expeditiously as possible.

7.The personal appearance of both parties before the Family Court, Madurai District, 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.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1. The Subordinate Judge, Dindigul.
2. The Judge, Family Court, Madurai.

+1 CC to M/s.S. THIRUPATHY, Advocate (SR-23244[F] dated 20/07/2021)

Tr.C.M.P. (MD) No.264 of 2021

and

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RC (27.07.2021) 2P-4C