



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.09.2021
CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Tr.CMP(MD)No.268 of 2021
and CMP(MD)No.5644 of 2021

Thulasipriya

... Petitioner/Respondent

-Vs-

Sudharsan

... Respondent/petitioner

Prayer:The Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the case in H.M.O.P.No.168 of 2021 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Theni and club the same with HMOP No.56 of 2021 on the file of the Family Court, Theni.

For Petitioner : Mr.B.Jeyakumar

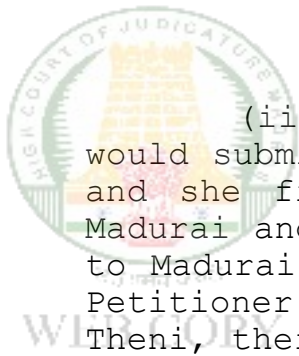
For Respondent : Mr.A.Jeyaramachandran

ORDER

This transfer civil miscellaneous petition has been filed seeking to withdraw the above HMOP No.168 of 2021 from the file of Family Court, Madurai and transfer the same to the file of the Family Court, Theni and club the same with HMOP No.56 of 2021 on the file of the Family Court, Theni.

2.Brief facts leading to filing of the present petition is as under:

(i)The petitioner is the wife of the respondent. The marriage between the petitioner and the respondent was solemnized on 22.01.2010 at Reserve Line Mariamman Kovil Mandapam, Madurai as per the Hindu Rites and Customs. Out of the wedlock, two children were born and the children are in custody of the petitioner/wife. The respondent is a Police Constable working at Madurai and he is well placed in life. However, due to certain misunderstanding with the petitioner, she was driven out of the matrimonial home. The respondent has filed HMOP No.168 of 2021 seeking for divorce before the Family Court, Madurai. The petitioner has filed HMOP No.56 of 2021 seeking for restitution of conjugal rights before the Family Court, Theni and she has filed the present petition seeking transfer of the HMOP filed by her husband.



(ii) On the above backdrop, learned counsel for the petitioner would submit that the petitioner is now at the mercy of her parents and she finds it difficult to travel all the way from Theni to Madurai and she also does not have any support to travel from Theni to Madurai and she has nobody to take care of her at Madurai. The Petitioner also feels that if the husband's case is transferred to Theni, there could be a chance of settlement between the parties and hence seeks for transfer.

3. The learned counsel for the respondent would submit that the respondent was deserted, when the respondent had gone to the house of the petitioner to take her back to the matrimonial home, he was assaulted and therefore, he has an apprehension that if he goes to Theni, he would be once again assaulted by the petitioner and her relatives and the respondent being a policeman, he did not want to precipitate the matter any further. He would further submit that he has strong objection for transferring the petition, however, if the court feels it appropriate to transfer the case, it may be transferred to any other Court between Madurai and Theni.

4. Considering the submissions made on either side, this Court feels to transfer the case to the file of Sub Court, Periyakulam and both the cases can be tried together on the file of the Sub Court Periyakulam.

5. Accordingly, HMOP No.56 of 2021 pending on the file of the Family Court, Theni and HMOP No.168 of 2021 pending on the file of the Family Court, Madurai are withdrawn from the respective Courts and transferred to the file of the Sub Court, Periyakulam to be tried together. Both the parties shall appear before the Sub Court, Periyakulam on 01.10.2021. Both the Courts below are directed to transmit the entire case records to the file of Sub Court, Periyakulam. The Sub Court, Periyakulam, is directed to dispose H.M.O.P.Nos.168 of 2021 and 56 of 2021 on merits and in accordance with law as expeditiously as possible.

6. In the result, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)



To

1.The Judge,
Family Court,
Madurai.

2.The Judge,
Family Court,
Theni.

3.The Sub Judge,
Periyakulam.

Tr.CMP(MD) No.268 of 2021
03.09.2021

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