



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.219 of 2020

and C.M.P. (MD)No.4834 of 2020

WEB COPY

V.Gayathri

... Petitioner/Respondent

Vs.

Dr.D.Vishnu Ram

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.1379 of 2020 on the file of the Family Court No.II, Chennai and transfer the same to the file of Family Court, Dindigul.

For Petitioner : Mr.AM.Ramanathan

For Respondent : Mr.M.Kannan

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.1379 of 2020 on the file of the Family Court No.II, Chennai and transfer the same to the file of Family Court, Dindigul.

2.The learned counsel for the petitioner/wife submits that the respondent/husband has filed HMOP.No.1379 of 2020 before the Family Court No.II, Chennai seeking the relief of restitution of conjugal rights. It is further submitted that the petitioner is not an employee and she is residing at Dindigul with her parents home. In such circumstances, the petitioner is not in a position to travel from Dindigul to Chennai for attending every hearing in HMOP.No.1379 of 2020 on the file of the Family Court No.II, Chennai.

3. The learned counsel for the respondent submitted that the respondent is a Doctor and his father is a heart patient. He further submitted that the petitioner is an only son to take care of his age old parents. Further, the learned counsel for the respondent would submit that if the case is transferred to Dindigul, it would be difficult for the respondent to travel to Dindigul.

4. The learned counsel for the petitioner further submitted that the case may be transferred to the file of the Family Court at Trichy.

5. Reply to this, the learned counsel for the respondent submits that if the court feels to transfer the case, the same may be transferred to the file of Ariyalur Court.



6. Being satisfied with the reasons assigned in the affidavit filed in support of this petition and considering the facts of the case and the submissions made on either side, H.M.O.P.No.1379 of 2020 is withdrawn from the file of the Family Court No.II, Chennai and transferred to the file of the Family Court, Trichy for disposal as per law. The Judge, Family Court No.II, Chennai is directed to transmit papers to the Family Court, Trichy, forthwith. The Judge, Family Court, Trichy is directed to dispose H.M.O.P.No.1379 of 2020 on merits and in accordance with law.

7. In fine, this petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MSA/CM

To:

1. The Judge,, Family Court No.II,
Chennai

2. The Judge, Family Court,
Trichy

+1 CC to M/s.M.KANNAN, Advocate (SR-16670[F] dated 20/04/2021)

+1 CC to M/s.AN.RAMANATHAN, Advocate (SR-16409[F] dated 19/04/2021)

Order made in
Tr.C.M.P. (MD) No.219 of 2020
and C.M.P. (MD)No.4834 of 2020

Dated:
19.04.2021

CN(05.05.2021) 2P 5C