



WEB COPY

Tr CMP (MD) No. 290 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Tr.C.M.P.(MD) No.290 of 2021

and

C.M.P.(MD)No.6213 of 2021

S. Jayanthi

... Petitioner/ Respondent

-vs-

Senthil Murugesan

... Respondent/ Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP.No.516 of 2021 filed by the respondent herein, now pending on the file of the Family Court, Madurai and transfer the same to the file of Family Court, Dindigul to be tried along with HMOP.No.180 of 2021 on merits and in accordance with law.

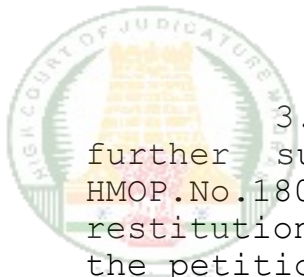
For Petitioner : Mr. M. Rajaraman

For Respondent : Mr.V. Selvakumar

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in HMOP.No.516 of 2021 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Dindigul to be tried along with HMOP.No.180 of 2021 pending on its file.

2. The learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 30.11.2008 at Padma Surya Mahal, K.Pudur, Madurai as per Hindu Rites and Customs. The petitioner has got two children, boy child was born on 18.12.2010 and the girl child was born on 10.06.2012. Though the matrimonial life was initially peaceful, the respondent later started demanding dowry from the parents of the petitioner and also physically abused the petitioner. Due to the continuous torture, the petitioner left the matrimonial home and she is presently living with her children at Dindigul along with her parents. In the meantime, the respondent / husband has filed a petition for divorce in HMOP.No.516 of 2021 before the Family Court, Madurai containing false and vexatious allegations.



3. The learned counsel appearing for the petitioner would further submit that the petitioner has filed a petition in HMOP.No.180 of 2021, before the Family Court, Dindigul, for restitution of conjugal rights. He would further submit that the petitioner and her children now at mercy of her parents, who are financially not doing well and she finds it difficult to travel from Dindigul to Madurai and thereby, the present petition has been filed seeking transfer of HMOP.No.516 of 2021 pending on the file of Family Court, Madurai to the Family Court, Dindigul to be tried along with HMOP.No.180 of 2021 on the file of Family Court, Dindigul. He would further submit that in similar circumstances, the Hon'ble Apex Court taking into consideration of the convenience and the comparative hardship faced by the petitioner/wife had directed to transfer the cases to be tried in Courts near to the petitioner. Thereby, she seeks for transfer.

4. The learned counsel appearing for the respondent would submit that he has no objection for allowing this petition and that both the Transfer CMPs being heard by one and the same court.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel appearing on either side, HMOP No. 516 of 2021 is withdrawn from the file of Family Court, Madurai and transferred to the file of Family Court, Dindigul, to be tried along with HMPO.No.180 of 2021 for disposal as per law. The learned Judge, Family Court, Madurai is directed to transmit the papers to the file of the Family Court, Dindigul, forthwith.

6. with the above direction, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Trp

To:

- 1.The Family Court, Madurai.
2. The Family Court, Dindigul

Tr.C.M.P. (MD) No.290 of 2021 and
C.M.P. (MD)No.6213 of 2021

27.09.2021

RD(11.10.2021) 2P 3C

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