



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.273 of 2020

and

C.M.P. (MD) No.6144 of 2020

WEB COPY

Muthulakshmi @ Aishwarya

... Petitioner/Respondent

-vs-

Sundareswaran

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP.No.303 of 2018 on the file of the Subordinate Judge, Theni and transfer the same to try along with HMOP.No.417 of 2020 on the file of the Family Court, Madurai or to any other competent Court having jurisdiction at Madurai.

For Petitioner : Mr.P.Rajagopalan

For Respondent : Mr.G.Kannan

For Mr.J.Janaki Ramulu

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP.No.303 of 2018 on the file of the Subordinate Judge, Theni and transfer the same to try along with HMOP.No.417 of 2020 on the file of the Family Court, Madurai or to any other competent Court having jurisdiction at Madurai.

2.The learned counsel for the petitioner/wife submits that the respondent/husband has filed HMOP.No.303 of 2018 before the Sub Court, Theni for divorce. The petitioner/wife has filed HMOP.No.417 of 2020 before the Family Court, Madurai for restitution of conjugal rights. It is further submitted that the petitioner and her 3 years old child are living in Madurai with her parents. In such circumstances, it is difficult for the petitioner to travel from Madurai to Theni for attending every hearing in HMOP.No.303 of 2018 on the file of the Sub Court, Theni.

3. The learned counsel for the respondent submitted that though he has no objection for transferring the case, the case may be transferred to the file of any one of the Subordinate Courts in Madurai.



4. This Court is satisfied with the reasons assigned in the affidavit filed in support of this petition.

5. In view of the same, HMOP.No.303 of 2018 is withdrawn from the file of the Sub Court, Theni and transferred to the file of the Family Court, Madurai to be tried along with HMOP.No.417 of 2020 for disposal as per law. The Subordinate Judge, Theni is directed to transmit the papers to the Family Court, Madurai, forthwith. The Judge, Family Court, Madurai is directed to dispose H.M.O.P.No.303 of 2018 along with HMOP.No.417 of 2020 on merits and in accordance with law.

6. The personal appearance of the parties before the Family Court 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.

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

Sd/-

Assistant Registrar (T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To:

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

+1 CC to M/s.P.RAJA GOPALAN, Advocate (SR-15936[F] dated 16/04/2021)

Order made in
Tr.C.M.P. (MD) No.273 of 2020
and
C.M.P. (MD) No.6144 of 2020

Dated:
15.04.2021

SDS (11.05.2021) 2P 4C