



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2021

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.289 of 2020
and
C.M.P(MD) No.6384 of 2020

K.Monica ... Petitioner/Respondent

-Vs-

D.Parthiban ... Respondent /Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.167 of 2020, pending on the file of Sub Court, Kanchipuram and transfer the same to the file of Family Court, Madurai to try along with H.M.O.P.No.488 of 2020.

For Petitioner : Mr.M.Suresh Kumar
For Respondent : No appearance

O R D E R

The wife seeks transfer of H.M.O.P.No.167 of 2020, filed by the husband, seeking Restitution of Conjugal Rights, on the file of the Sub Court, Kanchipuram to the Family Court, Madurai

2. Despite service, the respondent/husband is not appearing either in person or through counsel, duly instructed.

3.The wife is a resident of Madurai and the husband is a resident of Kanchipuram. The wife had already launched proceedings in H.M.O.P.No.488 of 2020, seeking divorce and the same is pending on the file of the Family Court, Madurai.

4.It is seen from the records that the proceedings before the Sub Court, namely, H.M.O.P.No.167 of 2020 for the relief of Restitution of Conjugal Rights has been filed, after the service of notice in the divorce petition filed by the wife. The wife seeks transfer, on the ground of convenience also.

5.Considering the fact that the husband is a resident of Kanchipuram, if the matter is transferred to the Family Court, Madurai, he would be forced to come to Madurai for every hearing, which in my opinion, will spoil even the possibility of rapprochement between the parties. Hence, transfer of both



H.M.O.P.No.488 of 2020 and H.M.O.P.No.167 of 2020 to the Sub Court, Madurai, where the parties need not appear for every hearing, would meet the ends of justice.

6. In view of the above, both H.M.O.P.No.488 of 2020, on the file of the Family Court, Madurai and H.M.O.P.No.167 of 2020, on the file of the Sub Court, Kanchipuram are withdrawn from the respective Courts and transferred to the Sub Court, Madurai to be tried in accordance with law. The Family Court, Madurai and the Sub Court, Kanchipuram are directed to transmit the papers to Sub Court, Madurai forthwith.

7. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

To

1.The Judge,Family Court, Madurai

2.The Judge,Sub Court, Kanchipuram

3.The Judge,Sub Court, Madurai

4.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2C)

+1 CC to M/s.R.MURALI, Advocate (SR-2436[F] dated 29/01/2021)

Order made in
Tr.C.M.P(MD)No.289 of 2020
and
C.M.P(MD) No.6384 of 2020
27.01.2021

(NA) CO
AP(18/02/2021) 2P 7C