



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2021

CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.284 of 2020

and

C.M.P(MD) No.6335 of 2020

S.Ilavarasi

... Petitioner/Respondent

-Vs-

A.C.Pozhilan

... Respondent /Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P No.146 of 2019, on the file of Family Court, Chennai and transfer the same to the Family Court, Thanjavur for trying jointly with H.M.O.P No.66 of 2020.

For Petitioner : Mr.P.Vadivel
For Respondent : No appearance

O R D E R

The wife, who is facing proceedings for divorce in H.M.O.P No.146 of 2019, on the file of Family Court at Chennai, seeks transfer of the same to the Family Court, Thanjavur to be tried along with H.M.O.P No.66 of 2020, filed by her seeking Restitution of Conjugal Rights.

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

3.From the dates, it is obvious that the petition for Restitution of Conjugal Rights is a counterblast to the divorce petition. However, transfer is sought for solely on the ground of convenience. Though the wife is shown to be working in Barclays Bank, DLF, Chennai, she would allege that she is forced to stay away from the work, because of the cruelty committed by the respondent/husband. It is also stated that due to the pandemic situation, she is working from her parental home at Kumbakonam.

4. No doubt, convenience of the wife has to be taken into account. Admittedly, the distance between Chennai to Kumbakonam is



about 300 kms. The proceedings before the Family Court requires presence of the parties for every hearing. Therefore, I am of the considered opinion that both the cases may be transferred to Sub Court, where, the presence of the parties for every hearing is not necessary.

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5.In the light of the above, the proceedings in H.M.O.P No.146 of 2019 as well as H.M.O.P No.66 of 2020 are withdrawn from the file of the Family Court, Chennai and the Family Court, Thanjavur respectively and transferred to Sub Court, Kumbakonam, to be tried and disposed of, in accordance with law. The Family Court, Chennai and the Family Court, Thanjavur are directed to transmit the respective records to the Sub Court, Kumbakonam forthwith.

6.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 (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Judge, Family Court,
chennai.

2.The Judge, Family Court,
Thanjavur .

3.The Subordinate Judge,
Kumbakonam.

Order made in
Tr.C.M.P(MD)No.284 of 2020
and
C.M.P(MD) No.6335 of 2020
21.01.2021

KM (09.02.2021) 2P 4C