



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.313 of 2020 and

CMP (MD) .No.6917 of 2020

WEB COPY

Rathinamani

... Petitioner/Respondent

-vs-

Suresh

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.519 of 2019 on the file of the Principal Family Court, Coimbatore and transfer the same to the Sub Court, Usilampatti, Madurai District.

For Petitioner : Mr.M.Prabu

For Respondent : Mr.D.Nallathambi

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.519 of 2019 on the file of the Principal Family Court, Coimbatore and transfer the same to the Sub Court, Usilampatti, Madurai District.

2.The respondent/husband has filed H.M.O.P.No.519 of 2019 before the Principal Family Court, Coimbatore, for restitution of conjugal rights.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having 5 years old child and she is living with her aged mother at Keelapatti, Madurai District and her mother is working as daily wages and earning a meager salary and the petitioner has no source of income. Moreover, the distance between Keelapatti and Coimbatore is nearly 200 kms and no one available to accompany with her to travel for long distance. In such situation, it is difficult for the petitioner to attend every hearing in H.M.O.P.No.519 of 2019. Hence, he seeks to transfer the case to Usilampatti.

4.The learned counsel for the respondent/husband strongly opposed to transfer the case to Usilampatti. However, he submits that if the matter is referred to Mediation Centre, there could be amicable settlement before the parties.



5.Considering the facts and circumstances of the case and also considering the submissions made by both counsel, H.M.O.P.No.519 of 2019 is withdrawn from the file of the Principal Family Court, Coimbatore and transferred to the file of the Subordinate Court, Usilampatti, for disposal as per law. The Principal Family Judge, Coimbatore, is directed to transmit the papers to the Subordinate Court, Usilampatti, forthwith. The learned Subordinate Judge, Usilampatti, is directed to refer the matter to mediation and on receiving the report of mediation, H.M.O.P.No.519 of 2019 shall be disposed of on merits and in accordance with law as expeditiously as possible.

6. In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Judge,
The Principal Family Court,
Coimbatore.

2.The Subordinate Court, Usilampatti. Madurai District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-23588[F] dated 22/07/2021)

Tr.C.M.P. (MD) No.313 of 2020 and
CMP (MD) .No.6917 of 2020
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LS (CO)
LR (30.07.2021) 2P 4C