



WEB COPY

Tr.C.M.P.(MD) No.467 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P.(MD) No.467 of 2021

and

C.M.P.(MD) Nos.8904 & 8905 of 2021

K.Nirmala

.. Petitioner/Respondent

-vs-

V.Harish Kannan

.. Respondent/Petitioner

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw and transfer H.M.O.P.No.693 of 2020 on the file of the Family Court, Tiruppur, to be tried along with H.M.O.P.No.206 of 2021 pending on the file of the Family Court, Thoothukudi.

For Petitioner : Mr.C.Suresh Kannan

For Respondent : No-appearance

ORDER

The respondent's wife is the petitioner before this Court seeking transfer of H.M.O.P.No.693 of 2020 pending on the file of the Family Court, Tiruppur to the Family Court, Thoothukudi.

2. The said H.M.O.P.No.693 of 2020 has been filed by the respondent seeking dissolution of marriage between the petitioner and the respondent.

3. In the affidavit filed in support of the said petition, the petitioner would submit that she had suffered immensely at the hands of her husband/respondent herein and her in-laws, who demanded more dowry and the petitioner had put up with this cruelty. On 02.04.2016, she was blessed with a boy baby namely Rakshith Kannan. Originally she was working in the Corporation Bank, Tiruppur and on 28.02.2021, she had been transferred to Thoothukudi. Thereafter, she has filed a petition for restitution of conjugal rights as well as the maintenance case for her minor son. Both of which are pending before the Family Court, Thoothukudi. Therefore, she would seek to have the proceedings in H.M.O.P.No.693 of 2020 pending on the file of the Family Court, Tiruppur to the Family Court, Thoothukudi.

4. Heard the learned counsel appearing on behalf of the petitioner.



5. The respondent though was served notice, has not entered appearance either through counsel or in person.

6. On perusal of the contents of the affidavit and the documents filed in support of the petition, it reveals that already the respondent is attending the proceedings at the Family Court, Thoothukudi, with reference to the petitions filed by the petitioner for restitution of conjugal rights and maintenance. Therefore, in order to bring about comprehensive order, it is necessary that all the proceedings are under one roof. Hence, H.M.O.P.No.693 of 2020 pending on the file of the Family Court, Tiruppur is withdrawn and transferred to the file of the Family Court, Thoothukudi to be tried along with H.M.O.P.No.206 of 2021.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ssb

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,
Family Court,
Tiruppur.

2.The Judge,
Family Court,
Thoothukudi.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-38177[F] dated 10/12/2021)