



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.394 of 2019

J.Kalaivani

... Petitioner

-vs-

D.Anandhakrishnan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the O.P.No.3217 of 2019 on the file of I Additional Family Judge, Chennai and to transfer the same to the Family Judge, Madurai to try along with H.M.O.P.No.985 of 2019 on the file of Family Judge, Madurai.

For Petitioner : Mrs.S.Vijayashanthi
For Respondent : Mr.S.Palanivelayutham

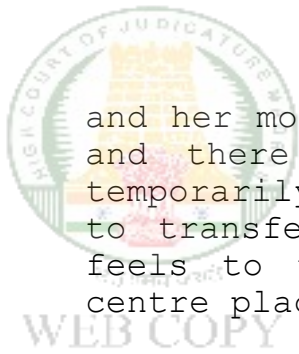
O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the O.P.No.3217 of 2019 on the file of I Additional Family Court, Chennai and to transfer the same to the Family Court, Madurai to try along with H.M.O.P.No.985 of 2019 on the file of Family Court, Madurai.

2.The respondent/husband has filed O.P.No.3217 of 2019 before the I Additional Family Court, Chennai for dissolution of marriage. The petitioner/wife has filed H.M.O.P.No.985 of 2019 before the Family Court, Madurai for restitution of conjugal rights.

3. The learned counsel for the petitioner/wife submitted that the petitioner has shifted her resident from Chennai to Madurai and living in her parents house by availing work at home from the Company. Due to mental pressure and strain, the petitioner could not concentrate in her work and for that reason only, the petitioner is now living with her parents house at Madurai. The distance between Madurai and Chennai is nearly 450 kms. She would further submit that if both the cases in H.M.O.P.No.985 of 2019 and O.P.No.3217 of 2019 tried by different courts for the very same subject matter in issue between the same parties, conflict of decision may arise and if the cases are tried in the Family Court, Madurai, nothing difficult for the respondent to attend the Court hearing at Madurai.

4. The learned counsel appearing for the respondent would submit that with an ulterior motive and *mala fide* intention, the petitioner has filed H.M.O.P.No.985 of 2019 before the Family Court, Madurai. The petitioner is staying in her parents house at Madurai since after the death of her father in the year 2015. She further submitted that the petitioner is working at Chennai only



and her mother is staying along with the petitioner from April 2017 and there is no separate parents home at Madurai and she is temporarily staying at Madurai. Therefore, he has strongly opposed to transfer the case. However, he submitted that if this Court feels to transfer the case, the same may be transferred to any centre place.

5. Considering the submissions made by both counsel, this Court transfers the case to the file of Family Court, Trichy.

6. In view of the same, H.M.O.P.No.985 of 2019 pending on the file of Family Court, Madurai and O.P.No.3217 of 2019 pending on the file of I Additional Family Court, Chennai are withdrawn and transferred to the file of the Family Court, Trichy for disposal as per law. The learned Judge, Family Court, Madurai and the learned Judge, I Additional Family Court, Chennai, are directed to transmit the respective papers to the Family Court, Trichy, forthwith. The Judge, Family Court, Trichy, is directed to club H.M.O.P.No.985 of 2019 along with O.P.No.3217 of 2019 together and dispose of the same on merits and in accordance with law as expeditiously as possible.

7. The personal appearance of both parties before the Family Court, Trichy 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.

8. In fine, this Transfer Civil Miscellaneous Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1. The Judge, I Additional Family Court, Chennai.
2. The Judge, Family Court, Madurai.
3. The Judge, Family Court, Trichy.

Tr.C.M.P. (MD) No.394 of 2019
12.07.2021

SSS(CO)

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