



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HONOURABLE Ms.JUSTICE P.T. ASHA

Tr.C.M.P.No.867 of 2021
and
C.M.P.No.19447 of 2021

D.Pradeepa

... Petitioner

Vs.

M.Stalin

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw and transfer the Matrimonial H.M.O.P.No.231 of 2021 on the file of Family Court, Tiruchirapalli to the Subordinate Judge, Paramathi.

For Petitioner : Mr.V.Ravichandran
For Respondent : Mrs.Ananda Gomathy

O R D E R

The Petitioner/Wife has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.231 of 2021 filed by the husband before the Family Court, Tiruchirapalli seeking restitution of conjugal rights on the file of the Subordinate Judge, Paramathi.

2. This Court had attempted to get the parties together since the husband on the first hearing of the petition expressed before this Court his willingness to take back his wife and daughter. The learned counsel for the wife had submitted that he would get instructions.

3. The learned counsel for the wife on 21.02.2022 orally submitted that she is willing to rejoin with her husband. However, this Court had insisted that the counsel for the petitioner should get an instruction from his client. When the matter was listed on 28.02.2022, both side counsels had sought time to report the progress and once again, the matter was called on 07.03.2022. The learned counsel appearing for the petitioner/wife once again said she is willing to join with her husband but was reluctant to sign in the affidavit to that effect. The reason for seeking a written affidavit from the



petitioner/wife is on account of the apprehension expressed by the respondent/husband that it is a ploy by the petitioner/wife to make his prayer in the matrimonial case become infructuous. According to the respondent/husband, the intention of the wife is to stand between him and his daughter and her statement before this Court is a mere lip service. Therefore, it is clearly evident that the wife is not genuine about her statement. This Court has also considered the apprehension expressed by the respondent.

4. Considering the fact that the matter is before the Family Court and also taking into account that the respondent/husband is in Saudi Arabia, the petition filed in H.M.O.P.No.231 of 2021 pending on the file of the Family Court, Tiruchirapalli is transferred to the file of the Subordinate Judge, Paramathi. The learned Judge shall endeavour to dispose of H.M.O.P.No.231 of 2021 within a period of six months from the date of receipt of a copy of this order.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Judge,
The Family Court,
Tiruchirapalli.
2. The Subordinate Judge,
Paramathi.

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C.M.P.No.19447 of 2021

AD(CO)
CT 05/04/2022