



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.02.2022
CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.987 of 2021
and
C.M.P.No.21748 of 2021

G.S.Nandhini

... Respondent/Petitioner

Vs

G.Premkumar @ Dheenadayalan

... Petitioner/Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.624 of 2019 on the file of the Family Court, Salem and transfer the same to any other Court, which is suitable and having jurisdiction to try the case in Sub Court, Thiruchengode.

For Petitioner : Mr.V.Balamurugan
For Respondent : No Appearance

ORDER

Seeking a transfer of the petition filed by her husband for Restitution of Conjugal Rights in H.M.O.P.No.624 of 2019, pending on the file of the Family Court Salem, the petitioner wife is before this Court.

2. The grounds on which the transfer is sought for is that the petitioner, after being estranged from the husband is living with her parents at Thiruchengode. Originally, her daughter Sivanya, was living with her but, however, in the guise of taking the daughter to the temple, the respondent/husband had taken her away from the care and custody of the petitioner. The petitioner is also not being maintained by the respondent/husband, without doing so, he has filed this application for restitution of conjugal rights that too on the file of the Family Court at Salem.



3. The petitioner would submit that she has filed a petition for divorce in H.M.O.P.No.56 of 2021, on the file of the Subordinate Court at Thiruchengode. In these circumstances, she would seek to have the petition filed by her husband transferred to the file of the Subordinate Court at Thiruchengode.

4. Heard the learned counsel.

5. Admittedly, the petitioner is living at Thiruchengode, and the respondent/husband has not been giving her any maintenance. The H.M.O.P.No.624 of 2019 has been filed before the Family Court at Salem, where the parties are bound to appear for every hearing. This would cause immense hardship both physically as well as financially to the petitioner/wife. Further the petitioner has filed an application for divorce on the file of the Subordinate Court at Thiruchengode. It would also be in the interest of both the parties if the matter is transferred to the Subordinate Court where the presence of the parties is not mandatory.

6. Therefore, the Transfer Civil Miscellaneous Petition is allowed in H.M.O.P.No.624 of 2019 on the file of the Family Court, Salem is withdrawn and transferred to the file of the Subordinate Court at Thiruchengode, to be tried along with H.M.O.P.No.56 of 2021. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Family Court, Salem.
- 2.The Subordinate Judge, Thiruchengode.

Tr.CMP. No.987 of 2021

SR(CO)
A.SK(28.02.2022)