



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2022

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Tr.C.M.P(MD).No.57 of 2022

and

C.M.P(MD)No.1144 of 2022

Gomathipriya

...Petitioner/Respondent

Vs.

Paranthaman

...Respondent/Petitioner

PRAYER: This Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.5544 of 2021 on the file of the Family Court, Chennai and transfer the same to Sub Court, Tenkasi and consequently direct the Sub Court, Tenkasi to try the case along with O.S.No.334 of 2021.

For Petitioner : Mr.K.P.Narayanakumar

O R D E R

This Petition is filed to withdraw the case in H.M.O.P.No.5544 of 2021 from the file of Family Court, Chennai and transfer the same to the file of Subordinate Court, Tenkasi.

2.The learned counsel for the petitioner submitted that the suit in O.S.No.334 of 2021 was filed by the petitioner/wife, for the relief of maintenance before the Sub Court, Tenkasi and HMOP.No.5544 of 2021 was filed by the respondent/husband, for the relief of restitution of conjugal rights before the Family Court, Chennai. Since the petitioner is residing at Puliyankudi, Tenkasi and also connected case is pending before the Subordinate Court, Tenkasi, she cannot go to Chennai to attend the Court hearings. Hence, she seeks to transfer the case as prayed for.

3.Considering the facts and circumstances of the case and also considering the fact that since connected case in O.S.No.334 of 2021 is pending before the Subordinate Court, Tenkasi, H.M.O.P.No.10 of 2022 is ordered to be withdrawn from the file of Family Court,



Chennai and transferred to the file of Subordinate Court, Tenkasi. The learned Subordiante Judge, Tenkasi is directed to send the cases to Mediation Centre after that the trial can be proceeded with.

4.In the result, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

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 Family Court,
Chennai.

2.The Subordinate Judge,
Tenkasi.

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-13659[F]
dated 23/03/2022)

Tr.C.M.P(MD) .No.57 of 2022

and

C.M.P(MD)No.1144 of 2022

22.03.2022

ck(CO)

GC(05.04.2022) 2P 4C