



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Tr.C.M.P(MD).No.55 of 2022
and
C.M.P(MD)No.1007 of 2022

Shamili ...Petitioner/ Respondent

Vs.

Dharanidharan ...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the HMOP.No.142 of 2021 on the file of the Sub Court, Rasipuram and transfer the same to the file of the Family Court, Trichy to be tried along with HMOP.No.696 of 2021.

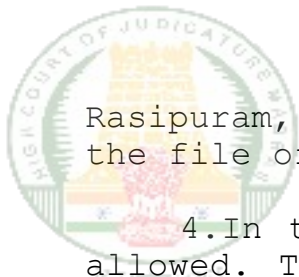
For Petitioner : Mr.T.Leninkumar
For Respondent : Mr.K.Rajeshwaran

O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw H.M.O.P.No.142 of 2021 from the file of Subordinate Court, Rasipuram and transfer the same to the file of Family Court, Trichy to try along with HMOP.No.696 of 2021.

2.The learned counsel for the petitioner submitted that H.M.O.P.No.696 of 2021 was filed by the petitioner/wife, for restitution of conjugal rights before the Family Court, Trichy and H.M.O.P.No.142 of 2021 was filed by the respondent/husband for the very same relief of restitution of conjugal rights before the Subordinate Court, Rasipuram. Since the petitioner is residing at Trichy and connected H.M.O.P.No.696 of 2021 is also pending before the Family Court, Trichy, she cannot go to Rasipuram, Namakkal District 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also considering the submission made the learned counsel for the petitioner, H.M.O.P.No.142 of 2021 is ordered to be withdrawn from the file of Subordinate Court, Rasipuram, Namakkal District and transferred to the file of Family Court, Trichy. The Sub Court,



Rasipuram, Namakkal District, is directed to transmit the papers to the file of the Family Court, Trichy, forthwith.

4.In the result, this Transfer Civil Miscellaneous Petition is allowed. The Family Court, Trichy is directed to send the case to Mediation Centre and then to dispose the same along with HMOP.No.696 of 2021. 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 Subordinate Judge,
Rasipuram, Namakkal District.

2.The Judge,
The Family Court,
Trichy.

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-13151[F] dated 21/03/2022)
Tr.C.M.P(MD) .No.55 of 2022
and
C.M.P(MD)No.1007 of 2022
18.03.2022

ck(CO)

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