



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.509 of 2021
and
C.M.P. (MD) No.9408 of 2021

Chitra ... Petitioner/Respondent

-vs-

Veeramani ... Respondent/Petitioner

PRAYER :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw and transfer the above H.M.O.P.No.291 of 2019 from the file of Family Court, Dindigul to Sub Court, Periyakulam, Theni, for proper and speedy adjudication of the above petition.

For Petitioner : Mr.J.Vishnu

For Respondent : Mr.Mohanasundaram
for Mr.CKM.Appaji

ORDER

The wife has filed the petition for transferring HMOP No.291 of 2019 filed by the husband on the file of the Family Court, Dindigul to the file of the Sub Court, Periyakulam, Theni.

2.The petition in HMOP No.291 of 2019 is filed by the husband for restitution of conjugal rights. The petitioner would seek to have the same transferred on the ground that though she had filed the maintenance petition as early as in the year 2019 and the learned Judge had ordered payment of a monthly maintenance of Rs.9,000/- to the petitioner and the children, the respondent had, to date, not complied with the order, passed on 04.10.2019 in M.C.No.06 of 2019. Since HMOP is pending on the file of the Family Court, the presence of the petitioner for every hearing is imperative and mandatory and it is causing an additional financial strain on her and also a mental strain as she has to leave her two minor children and travel all the way and back.



3.The reasons given are sufficient for allowing the transfer civil miscellaneous petition, more particularly, when the husband, despite an order in the maintenance case, is yet to comply with the same and the order has been passed as early as on 04.10.2019 and though over two years have passed, the husband has not complied with the order.

4.In the result, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.291 of 2019 pending on the file of the Family Court, Dindigul, is withdrawn and transferred to the file of the Sub Court, Periyakulam, Theni. The learned Subordinate Judge, Periyakulam, shall take up the HMOP for enquiry only after the respondent/husband complies with the order dated 04.10.2019 in MC No.6 of 2019. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
Family Court,
Dindigul.

2.The Subordinate Judge,
Periyakulam, Theni.

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and

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nsn(CO)

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