



Tr.C.M.P(MD)Nos.515 & 516 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 08.09.2022

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Tr.C.M.P(MD)Nos.515 & 516 of 2021
and
C.M.P(MD) Nos.9606 & 9610 of 2021 &
7943 of 2022

V.S.Mahalakshmi ... Petitioner in both Tr.CMPs

-Vs-

V.P.Arun ... Respondent in both Tr.CMPs

Prayer in Tr.C.M.P(MD)No.515 of 2021: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition in H.M.O.P.No.545 of 2021 filed for Restitution of Conjugal Rights, from the file of the Family Court, Madurai to the Family Court, Tirunelveli.

Prayer in Tr.C.M.P(MD)No.516 of 2021: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition in H.M.O.P.No.534 of 2021 filed for divorce, from the file of the Family Court, Madurai to the Family Court, Tirunelveli.



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For Petitioner : Mr.S.Velrajan

For Respondent : Mr.R.Rengarajan
(In both Tr.CMPs)

COMMON ORDER

These Transfer Civil Miscellaneous Petitions are filed by the wife to transfer the proceedings in H.M.O.P.Nos.545 of 2021 and 534 of 2021, from the file of the Family Court, Madurai to the Family Court, Tirunelveli.

2.The petitioner in both transfer Miscellaneous Petition is the wife and the respondent is the husband. Their marriage between the petitioner and the respondent was solemnized on 29.08.2018. Subsequently, due to some difference of opinion, they separated. The respondent filed H.M.O.P.No.189 of 2019, for divorce before the Family Court, Thanjavur. The petitioner filed H.M.O.P.No.229 of 2020, before the Family Court, Tirunelveli, for Restitution of conjugal rights. On the applications filed by both the parties in Tr.CMP(MD) No.83 of 2021 and 163 of 2021, the above proceedings were transferred to Family Court, Madurai. Now, the petitioner is residing



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at Tirunelveli. Hence, she wants to transfer the proceedings from the Family Court, Madurai to the Family Court, Tirunelveli.

3.The learned counsel appearing for the petitioner submits that the petitioner is residing at Tirunelveli and she is an unemployed and she finds it very difficult to appear before the Family Court at Madurai. He further submits that the distance between Madurai and Tirunelveli is around 160 kms and the petitioner is also not having any source to travel such a long distance.

4.The learned counsel appearing for the respondent submits that the petitioner has filed an application for Restitution of conjugal rights before the Family Court, Tirunelveli in H.M.O.P.No. 229 of 2020 and the respondent filed an application in H.M.O.P.No. 189 of 2019, for divorce before the Family Court, Thanjavur. On the applications filed by both the parties in Tr.CMP(MD) No.83 of 2021 and 163 of 2021, this Court by order dated 30.04.2021 has passed an order, transferring the proceedings in H.M.O.P.No.229 of 2020, which



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was pending before the Family Court, Tirunelveli and the proceedings in H.M.O.P.No.189 of 2019, pending before the Family Court, Thanjavur to the Family Court, Madurai and directed the learned Judge, Family Court, Madurai to dispose of those applications as expeditiously as possible. On such transfer, those applications have been renumbered in the Family Court, Madurai as H.M.O.P.Nos.545 of 2021 and 534 of 2021 respectively. Now, the petitioner has come forward with this present Transfer Miscellaneous Petition to transfer those proceedings in H.M.O.P.Nos.545 of 2021 and 534 of 2021 to the Family Court, Tirunelveli. Hence, the learned counsel prays this Court to dismiss these applications.

5.Heard both sides and perused the materials placed on record.

6.It appears that, in earlier occasion, based on the applications filed by the petitioner and the respondent, the proceedings in H.M.O.P.No.229 of 2020 pending on the file of the



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Family Court, Tirunelveli and the proceedings in H.M.O.P.No.189 of 2019 pending on the file of the Family Court, Thanjavur have been transferred to the Family Court, Madurai. Moreover, the petitioner has also filed an application for maintenance before the Judicial Magistrate Court, Tirunelveli and has also obtained an order of interim maintenance, pending these applications. Since this Court has already shown its indulgence to the petitioner and transferred the proceedings to the Family Court, Madurai, is not inclined to entertain these present Transfer Miscellaneous Petitions.

7. Accordingly, these Transfer Civil Miscellaneous Petitions are dismissed. However, considering the pendency of proceedings from the year 2019, the trial Court shall endeavour to dispose of H.M.O.P.No.545 of 2021 and H.M.O.P.No.534 of 2021 as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Internet : Yes/No
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To

- 1.The Family Court, Madurai
- 2.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI, J.

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Common Order made in
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