



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2022

CORAM:

THE HONOURABLE **MS.JUSTICE P.T.ASHA**

Tr.C.M.P. (MD) No.629 of 2021

and

C.M.P. (MD) No.11397 of 2021

Rekha

... Petitioner

-VS-

Sivakumar

... Respondent

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to transfer the case in H.M.O.P.No.97 of 2021, pending on the file of the learned Subordinate Judge, Lalgudi, to the Family Court at Perambalur and tried along with petition filed for dissolution of marriage in H.M.O.P.No.192 of 2021, before the Hon'ble Family Court, Perambalur.

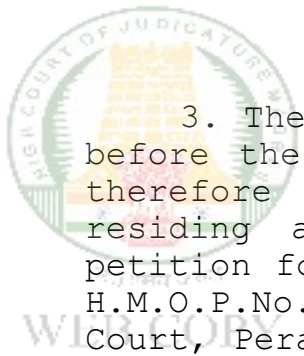
For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : No appearance

ORDER

The petitioner/ wife has filed this petition for transferring the proceedings initiated by her husband in H.M.O.P.No.97 of 2021, on the file of the learned Subordinate Judge, at Lalgudi, for restitution of conjugal rights, to the file of the Family Court at Perambalur, to be tried along with H.M.O.P.No.192 of 2021, filed by the petitioner, seeking dissolution of the marriage contracted by her with the respondent herein.

2. The petitioner would seek to have the transfer on the ground that she had been facing a lot of hardship at the hands of her husband and when she was expecting her son, the respondent and his family members had not provided her with the essential medical facilities that expectant mother requires. She would submit that the petitioner is now residing with her parents and her minor son at Perambalur. The respondent / husband has not taken any steps to pay maintenance to her or to her minor son. However, he has filed a petition for restitution of conjugal rights on the file of the learned Subordinate Judge, Lalgudi.



3. The petitioner would submit that her petition is now pending before the Family Court, Perambalur in H.M.O.P.No.192 of 2021 and therefore considering the fact that she and her minor child are residing at Perambalur, interest of justice requires that the petition for restitution of conjugal rights filed by her husband in H.M.O.P.No.97 of 2021, be transferred to the file of the Family Court, Perambalur, to be tried along with the petition filed by her for dissolution of marriage.

4. Heard the learned counsel appearing for the petitioner and perused the records. The respondent who has been served on 08.01.2022, has not appeared before the Court either in person or through counsel.

5. The reasons given by the petitioner for seeking a transfer of the proceedings appears to be valid and consequently, this Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.97 of 2021, pending on the file of the learned Subordinate Judge, Lalgudi, is withdrawn and transferred to the file of the Family Court, Perambalur, to be tried along with H.M.O.P.No.192 of 2021. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (AS)

// 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 Subordinate Judge, Lalgudi.
- 2.The Judge, Family Court, Perambalur,
Perambalur District.

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and
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