



Tr.C.M.P.No.550 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Tr.C.M.P.No.550 of 2023

and

C.M.P.No.12981 of 2023

Mohana

... Petitioner

Vs.

Kanagarajan

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the case in F.C.H.M.O.P.No.23 of 2022 on the file of the Family Court, Krishnagiri District and transfer the same to the Sub Court, Thirupattur.

For Petitioner : Mr.J.Milton Arul Rajendran

ORDER

Mr.J.Milton Arul Rajendran, learned counsel for the petitioner and perused the records.

2. This petition is filed seeking to withdraw F.C.H.M.O.P.No.23 of



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2022 on the file of the Family Court, Krishnagiri District and transfer the same to the file of the Subordinate Court, Tirupattur.

3. Learned counsel for the petitioner submitted that the respondent/husband has filed F.C.H.M.O.P.No.23 of 2022 against the petitioner/wife seeking restitution of conjugal rights under Section 9 of Hindu Marriage Act, 1955. It is submitted that the petitioner is an unemployee and residing with her parents at Tirupattur, whereas, the respondent is working as an engineer. The distance between the Krishnagiri and Tirupattur is stated to be about 200 kms up and down.

4. Considering the circumstances, F.C.H.M.O.P.No.23 of 2022 is stated to have posted for enquiry, this Court is of the opinion that instead of transferring the petition, certain directions are given to the Family Court to dispense with the presence of the petitioner and also dispose of F.C.H.M.O.P.No.23 of 2022 speedily and it will make ends of justice.

5. In view of the above, this petition is disposed of dispensing with



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the presence of the petitioner in F.C.H.M.O.P.No.23 of 2022 on the file of the Family Court, Krishnagiri District. However, the learned Family Court Judge is at liberty to direct the petitioner to appear before the Court as and when her presence is required for recording evidence and any other such purposes. Further, the learned Family Court Judge is also directed to expedite the trial and dispose of the case as expeditiously as possible, not later than six months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms



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DR.D.NAGARJUN, J.,

ms

To

1.The Judge,
Family Court,
Krishnagiri District

2.The Subordinate Judge,
Thirupattur.

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