



TR.C.M.P.(MD) No.287 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2023

CORAM:

**THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

TR.C.M.P.(MD) No.287 of 2023

and

C.M.P(MD) No.6620 of 2023

R.Helan Vinnarasi

... Petitioner

Vs.

M.Paul James
Rep through his Power Agent
M.Maria Veda Antony

... Respondent

Prayer :- Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the case in I.D.O.P.No.86 of 2022 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Srivilliputhur and tried along with the case in I.D.O.P.No.14 of 2022 on the file of the Family Court, Srivilliputhur.

For Petitioner : Mr.A.Manikandan

For Respondent : Mr.A.Arputharaj

ORDER



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The Transfer Civil Miscellaneous Petition is filed to withdraw the case in I.D.O.P.No.86 of 2022 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Srivilliputhur and to try along with the case in I.D.O.P.No.14 of 2022 on the file of the Family Court, Srivilliputhur.

2. The learned counsel appearing for the petitioner/wife would submit that the marriage between the petitioner and the respondent took place on 31.08.2017 and out of their wedlock, they were blessed with one male child, namely, Dhanasis Michael. Due to some misunderstanding between them, the respondent has filed a petition in I.D.O.P.No.86 of 2022 before the Family Court, Madurai, for divorce. Pursuant to which, the petitioner/wife has filed a petition in I.D.O.P.No.14 of 2022 before the Family Court, Srivilliputhur, for restitution of conjugal rights. Now, the petitioner/wife is residing in her parental home at Srivilliputhur. He would further submit that since the I.D.O.P is before the Family Court, her presence for every hearing is essential for which she has to



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travel nearly 80 kms leaving behind her minor child or taking her along with her, which would cause extreme hardship to the petitioner. Further, to avoid conflicting judgments also, both the case has to be tried by the same Court. Hence, he prays to allow this petition.

3. The learned counsel for the respondent has no objection to transfer, as sought for by the petitioner in the present transfer civil miscellaneous petition. However, he seeks to have the presence of the respondent before the trial Court dispensed with, since the matter is transferred to the Family Court, Srivilliputhur, where the presence of the parties for every herein is mandatory.

4. Recording the submission made by the learned counsel for the respondent, this Transfer Civil Miscellaneous Petition is allowed and the petition in I.D.O.P.No.86 of 2022 pending on the file of the Family Court, Madurai is ordered to be withdrawn and transferred to the file of the Family Court, Srivilliputhur to be tried along with I.D.O.P.No.14 of 2022. The learned Judge, Family Court, Madurai, is directed to transmit



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the entire records pertaining to the case in I.D.O.P.No.86 of 2022 to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of. The personal appearance of the respondent for routine hearing is dispensed with before the Family Court, Srivilliputhur. The respondent shall appear before the Court as and when ever the presence of the respondent is required as per the direction of the Family Court, Srivilliputhur. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
cp

To

1.The Judge,
Family Court,
Madurai.

2.The Judge,
Family Court,
Srivilliputhur



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K.GOVINDARAJAN THILAKAVADI, J.

cp

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