



Tr.CMP.(MD)No.268 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.268 of 2024
and
C.M.P.(MD)Nos.6397 & 6399 of 2024

Nagarani

.. Petitioner

Vs.

Balamurugan

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No. 135 of 2023 on the file of the Principal Sub Court, Dindigul District to the file of the Family Court, Dindigul District to be tried along with H.M.O.P.No.459 of 2023 pending on the file of the Family Court, Dindigul.

For Petitioner : Mr.S.Vadivelan

For Respondent : No Appearance



Tr.CMP.(MD)No.268 of 2024

ORDER

WEB COPY The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.135 of 2023 on the file of the Principal Sub Court, Dindigul to the file of the Family Court, Dindigul to be tried along with H.M.O.P.No.459 of 2023 pending on the file of the Family Court, Dindigul.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 02.03.2011 at Dindigul District as per the Hindu Rites and Customs and the same was registered before the Marriage Registrar, Chinnalapatti on 02.03.2011. Thereafter, the petitioner and the respondent have started their matrimonial life at America. Out of the wedlock, two children, namely Shivaani and Joshikaa, were born. The second child, namely Joshikaa, is affected with Autism.

3. Due to disputes and differences, the parties have separated, and the the respondent/husband has initiated the proceeding in H.M.O.P.No.459 of 2023 on the file of the Family Court, Dindigul, seeking divorce. Subsequently, the petitioner/wife has initiated the proceeding in



Tr.CMP.(MD)No.268 of 2024

H.M.O.P.No.135 of 2023 on the file of the Principal Sub Court, Dindigul

WEB COURT District seeking restitution of conjugal rights.

4. The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing for the petitioner.

6. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Aathoor Taluk, Dindigul District. Since two cases of similar issue are pending in two different Courts and in order to try those cases jointly, the petitioner/wife seeks transfer of proceeding from the file of the Principal Sub Court, Dindigul to the file of the Family Court, Dindigul.

7. Taking into consideration of the above facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this transfer petition.



Tr.CMP.(MD)No.268 of 2024

WEB COPY

8. The learned Judge, Principal Sub Court, Dindigul is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.135 of 2023 to the file of the Family Court, Dindigul within a period of three weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Dindigul is directed to take the case on file, and try the case along with H.M.O.P.No.459 of 2023 and dispose of both the cases in accordance with law.

9. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

30.08.2024

mkn

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



WEB COPY



Tr.CMP.(MD)No.268 of 2024

P. VADAMALAI, J.

mkn

To

1.The learned Judge, Principal Sub Court,
Dindigul

2.The learned Judge, Family Court,
Dindigul

Tr.CMP.(MD)No.268 of 2024

and

C.M.P.(MD)Nos.6397 & 6399 of 2024

30.08.2024