

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P.NO.694 of 2014
and
M.P.No.1 of 2014

Maheswari

... Petitioner

Vs.

Bharathi
Raja

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to permit the petitioner to withdraw H.M.O.P.No.80 of 2014 from the file of the learned Subordinate Judge, Devakottai, Sivagangai District and transfer the same to the file of the learned Subordinate Judge, Mannargudi, Thiruvavur District.

For Petitioner : Mr.G.Vinodkumar
For Respondent : N.A.

JUDGMENT

The petitioner/wife come before this Court seeking transfer of H.M.O.P.No.80 of 2014, filed by the husband, on the file of Sub Court, Devakottai to the file of Sub Court, Mannargudi.

2. Though notice has been served upon the respondent/ husband and his name appeared in the cause list, no one entered appearance, therefore this Court decides to proceed with the matter on merits.

3. It is seen from the records that the petitioner got married the respondent and subsequently due to the dispute, they are living separately. The respondent/husband has filed H.M.O.P.No.80 of 2014 on the file of Sub Court, Devakottai for divorce. Where as, the petitioner/wife has filed H.M.O.P.No.66 of 2014 on the file of Sub Court, Mannargudi for restitution of conjugal rights.

4. As the petitioner contends that she is living with her parents and she has travelled 120 kms from Mannargudi to Devakottai. It is impossible for her to appear before the Sub Court, Devakottai. Moreover, it will be very convenient for the petitioner/wife to appear before the Sub Court, Mannargudi.

5. In view of that H.M.O.P.No.80 of 2014 filed by the respondent on the file of the Sub Court, Devakottai is withdrawn and the same is transferred to the file of Sub Court, Mannargudi to be tried along with H.M.O.P.No.66 of 2014 filed by the petitioner/wife for restitution of conjugal rights.

6. In view of the above, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar
Dated:26.3.15

True Copy

Sub Assistant Registrar

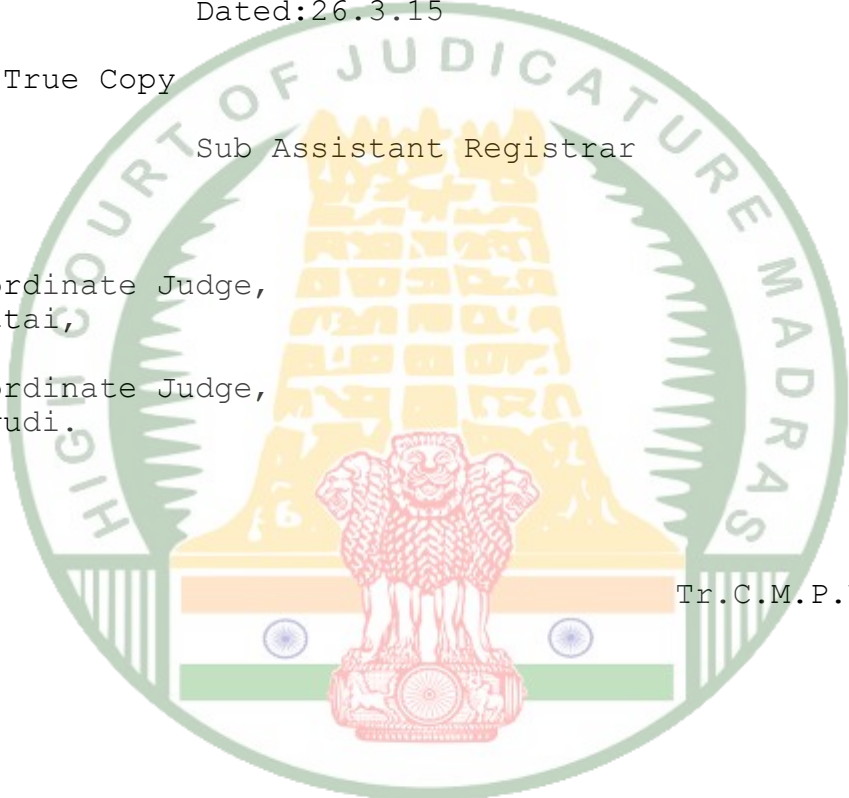
To

1.The Subordinate Judge,
Devakottai,

2.The Subordinate Judge,
Mannargudi.

kgk(co)
krd 30/3

Tr.C.M.P.NO.694 of 2014



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