



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2015

CORAM :

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

TR.CMP(MD)No.387 of 2014

and

M.P(MD)No.1 of 2014

S.Saranyadevi

... Petitioner

Vs.

Selvakumar @ Selvamanikandan

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in HMOP.No.21 of 2014 on the file of the Sub Court, Periyakulam and transfer the same to the file of the Principal Sub Court, Dindigul.

For Petitioner : Mr.R.Sureshkumar

For Respondent : Mr.Suriya Narayanan

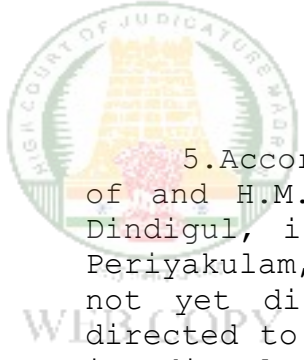
O R D E R

The petitioner is the wife. She has filed HMOP.No.120 of 2014 on the file of the Principal Sub Court, Dindigul, for restitution of conjugal rights. After hearing, the husband filed HMOP.No.21 of 2014 on the file of the Sub Court, Periyakulam.

2.The wife is residing at Nilakottai as per the affidavit filed in support of the Transfer Civil Miscellaneous Petition. It is also not in dispute. The husband resides at Periyakulam. The wife has not filed HMOP at Nilakottai, as there is no Sub Court at Nilakottai and she filed the case only at Dindigul.

3.It is admitted that the distance between Nilakottai and Periyakulam is shorter than the distance between Nilakottai and Dindigul. Hence, the application of the petitioner/wife to transfer the HMOP.No.21 of 2014 from the Sub Court, Periyakulam, to Principal Sub Court, Dindigul, to try along with HMOP.No.120 of 2014 on the file of the Sub Court, Periyakulam, is not acceptable to this Court.

4.Therefore, I am of the view that HMOP.No.120 of 2014 on the file of the Principal Sub Court, Dindigul, could be transferred to Sub Court, Periyakulam, to try along with HMOP.No.21 of 2014.



5. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of and H.M.O.P.No.120 of 2014 on the file of the Principal Sub Court, Dindigul, is hereby withdrawn and transferred to the file of Sub Court, Periyakulam, to be tried along with HMOP.No.21 of 2014, if the same is not yet disposed of. The learned Principal Sub Judge, Dindigul, is directed to send the case bundles to the Court of Sub Judge, Periyakulam, immediately. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1) The Principal Sub Judge,
Dindigul.

2) The Sub Judge,
Periyakulam.

+1cc to MR.R.SURIYANARAYANAN, ADVOCATE IN SR : 10949

Nb2

SR : 18.03.2015 : 2p/4c

ORDER MADE IN
TR.CMP(MD)No.387 of 2014
AND
M.P(MD)No.1 of 2014
DATED : 06.03.2015