

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 11.09.2015****CORAM:****THE HONOURABLE MR.JUSTICE P.DEVADASS****TR.CM.P. (MD) No.317 of 2015****and****M.P. (MD) No.1 of 2015**

Jayaprabha

... Petitioner / Respondent

-VS-

Masanam

... Respondent / Petitioner

PRAYER: Petition is filed, under Section 24 of the Code of Civil Procedure, to withdraw and transfer the H.M.O.P.No.57 of 2015, on the file of Sub Court, Valliyur, to the Family Court, Sivagangai District.

For Petitioner : No appearance

For Respondent : No appearance

O R D E R

This transfer petition is filed, under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.57 of 2015 from Sub Court, Erode, and to transfer the same to Sub Court, Sivagangai.

2. Notice has been served on the respondent at his address in Radhapuram, Tirunelveli District. But, neither he nor his counsel was present. There was no representation for the petitioner. In such circumstances, on perusing the materials on record, we shall dispose of this transfer petition.

3. Petitioner belongs to Sivavangai. Respondent belongs to Radhapuram in Tirunelveli District. Respondent married her in 2014. They were blessed with a female child, but not with a happy married life. He is stated to have liked jewels and other properties more than her. Difference of opinion arose between them. Petitioner returned to her parental home in Sivagangai. Respondent filed H.M.O.P.No.57 of 2015 in the Sub Court, Valliyur, for restitution of conjugal rights.

4. Now, petitioner is residing in Sivagangai. She has the support of her parents. For her Valliyur is far away. She has to take care of her child. To go to Valliyur, she has to travel a lot. In the circumstances, her plea for transfer is acceptable.



5. In view of the foregoing, ordered as under:

- (i) H.M.O.P.No.57 of 2015, pending on the file of the Sub Court, Valliyur, is transferred to the file of the Sub Court, Sivagangai.
- (ii) The Sub Judge, Valliyur, Tirunelveli District, shall send the case records to the Sub Court, Sivagangai, forthwith.

6. Accordingly, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Cr1.Side)

/True Copy/

Sub Assistant Registrar

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To:

- 1.The Principal District Judge,
Tirunelveli.
- 2.The District Judge,
Sivagangai.
- 3.The Sub Judge,
Valliyur, Tirunelveli District.
- 4.The Sub Judge,
Sivagangai.

GJM/AN/MP/6.10.15-2P-5C

TR.CM.P.(MD) No.317 of 2015
and
M.P.(MD) No.1 of 2015
11.09.2015