



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

TR.C.M.P.(MD).No.105 of 2016

and

C.M.P.(MD)No.1812 of 2016

M.Balanagammal

... Petitioner/Respondent

Vs.

C.Vijayasuresh

... Respondent/Petitioner

**PRAYER :** Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the petition in H.M.O.P.No.137 of 2015 on the file of the learned Subordinate Judge, Ramanathapuram and to transfer the same to the learned Subordinate Judge, Periyakulam, Theni District.

For Petitioner : Mr.K.Baalasundharam

For Respondent : Mr.S.Ramesh

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### O R D E R

This application is filed for transferring the case in H.M.O.P. No.137 of 2015 from the file of the Subordinate Court, Ramanathapuram to the Subordinate Court, Periyakulam, Theni District.

2. The case of the petitioner is that the marriage between the petitioner and the respondent was solemnized on 08.02.2009 at Thangam Marriage Hall in Ramanathapuram as per the Hindu Rites and Customs. In the said wedlock, a male child was born to them on 01.01.2010. Thereafter, the respondent did not take care of the petitioner as well as her child. So, she has filed H.M.O.P.No.70 of 2015 before the Subordinate Court, Periyakulam, for Divorce on the ground that she was harassed by her husband in a drunken state. Subsequently, the respondent has filed H.M.O.P.No.137 of 2015 before the Subordinate Court, Ramanathapuram for restitution



of conjugal rights.

3. Mr.K.Balasundharam, learned counsel appearing for the petitioner would submit that the petitioner was appointed as a Teacher in a Government School, at Pudhur in Thiruvarur District on 26.09.2014 and she is having the custody of the child, who is aged about five years, and as the issues involved in both the original petitions are same, to avoid conflicting decision, both the petitions have to be tried by a same Judge. It is further submitted that the petitioner finds it difficult to travel about 200 Kilometers to contest the petition, filed by the respondent.

4. Heard the learned counsel for the respondent and perused the records.

5. Considering the above facts, this Court is inclined to transfer the petition in H.M.O.P.No.137 of 2015 on the file of the Subordinate Court, Ramanathapuram to the Subordinate Court, Periyakulam, Theni District. In the result, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/  
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1. The Subordinate Court,  
Ramanathapuram.
2. The Subordinate Court,  
Periyakulam, Theni District.

+1cc to M/s.K.Balasundharam, Advocate in SR.No.30491

SDR/NGM-MP/30.06.2016/2P/4C

**TR.C.M.P. (MD) .No.105 of 2016**  
**14.06.2016**