



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.101 of 2017

and

C.M.P(MD)No.2442 of 2017

Dr.Sudha ... Petitioner/Respondent/Wife

Vs.

Dr.K.Elaiyaraja ... Respondent/Petitioner/Husband

Prayer: Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer the original petition in H.M.O.P.No.199 of 2016 on the file of Sub Court, Pudukkottai and transfer the same to the file of Sub Court, Perambalur to be heard along with the H.M.O.P.No.118 of 2016, on the file of the Subordinate Court, Perambalur.

For Petitioner : Ms.A.M.Renuka
For Respondent : Mr.P.Ganapathi Subramanian

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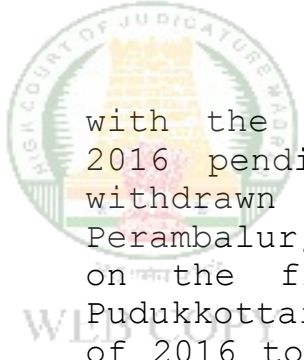
O R D E R

The wife, who is the respondent in H.M.O.P.No.199 of 2016 filed by the petitioner/husband before the Sub Court, Pudukkottai, seeking divorce on the ground of cruelty, is the petitioner. She has filed H.M.O.P.No.118 of 2016 on the file of the Sub Court, Perambalur, seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act.

2. It is not in dispute that both the parties are working as Doctors in Government service. The wife who was residing at Perambalur was working as a Doctor in Thiruvarankulam Government Primary Health Centre, Alangudi Taluk, Pudukkottai District at the time of the initiation of the proceedings.

3. The learned Counsel for the petitioner/wife has produced a copy of the order of transfer issued by the Deputy Director of Health Services, Perambalur, from which, it is seen that she has been transferred to Government Primary Health Centre, Valikandapuram in Perambalur District.

4. Considering the distance between Perambalur and Pudukkottai as well as the fact that a two year old minor son is also living



with the petitioner/wife, the proceedings in H.M.O.P.No.199 of 2016 pending on the file of the Sub Court, Pudukkottai, are withdrawn and transferred to the file of the Sub Court, Perambalur, to be heard along with H.M.O.P.No.118 of 2016 pending on the file of the Sub Court, Perambalur. The Sub Court, Pudukkottai, is directed to transmit the records in H.M.O.P.No.199 of 2016 to the file of the Sub Court, Perambalur, within a period of two weeks from the date of receipt of a copy of this order. Upon such receipt, the transferee Court, namely, Sub Court, Perambalur, is directed to dispose of both the petitions as early as possible.

5. Accordingly, this Transfer Civil Miscellaneous Petition is ordered as above. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

1.The Subordinate Judge, Pudukkottai.

2.The Subordinate Judge, Perambalur.

+1 CC to Mr.A.M.RENUKA, Advocate, SR No. 52844

SSS

PSM/SV/04.05.2017/2P/4C

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