



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.BASKARAN

Tr.CMP.(MD).No.345 of 2017

and

C.M.P.(MD).No.7170 of 2017

Pechiammal @ Devi

... Petitioner

vs.

M.Karuppasamy

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer H.M.O.P.No.159 of 2016 from the file of the II Subordinate Court, Nagercoil to the Sub Court, Sankarankovil.

For Petitioner

: Mr.G.Thalaimutharasu

For Respondent

: Mr.D.Senthikumar

ORDER

The petitioner has come forward with this petition seeking to transfer H.M.O.P.No.159 of 2016 from the file of the II Subordinate Court, Nagercoil to the Subordinate Court, Sankarankoil.

2.The petitioner states that her marriage with the respondent took place on 22.11.2009 and out of the wedlock she gave birth to a female child on 08.12.2011 and a male child on 12.02.2014. According to the petitioner, the respondent and his family members harrassed her by demanding more dowry and the respondent developed illicit relationship with another person and at present he is living with her only. The petitioner states that she was ill-treated and denied food in the matrimonial home and she felt due to illness. The respondent's family members forcibly took her signature to sell her property and due to that, she lodged a complaint in the All Women Police Station on 11.01.2015. While so, the respondent filed H.M.O.P.No.159 of 2016 before the Sub Court, Nagercoil, seeking restitution of conjugal rights by suppressing the real facts. The petitioner further states that she is not in good health condition and financially she is also not sound. She is depending on her parents for her livelihood and taking care of her children by doing kooli work. The petitioner finds it difficult to travel to Nagercoil which is far away from the place of her residence, Sankarankovil. Hence, she seeks transfer as stated in



3. On the other hand, the learned counsel for the respondent contends that it is very difficult to the respondent to travel all the way to Sankarankovil from Nagercoil and pleads that the petition may be transferred to any Court in Tirunelveli, which is in between Nagercoil and Sankarankovil. The learned counsel for the petitioner also consented for the same.

4. In such circumstances, considering the reasons stated by the petitioner and other situations, this Court is inclined to entertain this petition by transferring H.M.O.P.No.159 of 2016 from the file of the II Subordinate Court, Nagercoil, to the Family Court, Tirunelveli, for disposal. Point is answered accordingly.

5. In the result, this petition is allowed and H.M.O.P.No.159 of 2016 is transferred from the file of the II Subordinate Court, Nagercoil to the Family Court, Tirunelveli for disposal.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The II Subordinate Judge, Nagercoil.

2. The Judge,
Family Court, Tirunelveli.

+1cc to M/S.G.Thalaimutharasu, Advocate SR.No. 85579

+1cc to M/S.S.Balamurugan, Advocate SR.No. 85532

Tr.CMP. (MD) .No.345 of 2017
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TM/PSD

JM/SKN RSK/SAR 1/22.11.2017/2P/5C