



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.BASKARAN

Tr.C.M.P.(MD) No.451 of 2017  
and  
C.M.P.(MD) No.8876 of 2017

G.Sangeetha

..Petitioner/Respondent

Vs.

C.Rajkumar

..Respondent/Petitioner.

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the H.M.O.P.No.60 of 2017 pending on the file of the Subordinate Judge, Periyakulam, Theni and transfer the same to the Subordinate Judge, Kancheepuram, Kancheepuram District.

For Petitioner : Mr.S.Manickam  
For Respondent : Mr.Shankar Ganesh

O R D E R

The petitioner has come forward with this petition seeking to transfer H.M.O.P.No.60 of 2017 pending on the file of the Sub Court, Periyakulam to Sub Court, Kancheepuram.

2.The petitioner states that the respondent married the petitioner and took her to the matrimonial home on 16.09.2015 and she lived in the matrimonial home after her marriage. She gave birth to a female child on 04.07.2016 and after marriage the respondent was not having any employment and hence, he insisted for dowry from the petitioner. During, December 2016, the petitioner was forced to go back to her parental home and she is now living with her parents. Now she is employed at Kancheepuram and taking care of herself and her child. During May 2017, the respondent quarrelled with the petitioner and her parents and went back to Periyakulam. Thereafter, the respondent filed H.M.O.P.No.60/2017, seeking restitution of conjugal rights on the file of the Sub Court, Periyakulam. Since the distance between Kancheepuram to Periyakulam is about 450 kilo meters and the petitioner being a woman, finds it difficult to appear for each and every hearing with her minor child at Periyakulam. Hence, the petitioner seeks to transfer H.M.O.P.No.60/2017 from the Sub Court, Periyakulam to the Sub Court, Kancheepuram.



3.The learned counsel for the respondent is present and has no objection to entertain this petition.

4.In such circumstances, considering the reason stated by the petitioner and the fact that the respondent has not raised any objection, this Court is inclined to entertain this petition. Point is answered accordingly.

5.In the result, this petition is allowed. H.M.O.P.No.60 of 2017 pending on the file of the Sub Court, Periyakulam, Theni District is ordered to be withdrawn and transferred to the Sub Court, Kancheepuram for disposal. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To

1.The Subordinate Judge, Periyakulam, Theni District.

2.The Subordinate Judge, Kancheepuram, Kancheepuram District.

+1CC to Mr.R.Aravindraaj, Advocate, SR.No. 85838

+1CC to Mr.R.Shankar Ganesh, Advocate, SR.No. 86501

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