



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2017

CORAM:

THE HONOURABLE Mr.JUSTICE S.BASKARAN

Tr.C.M.P. (MD) No.464 of 2017

and

C.M.P. (MD) No.9091 of 2017

S.Radhiga

.. Petitioner/Respondent

Vs.

Sureshkumar

.. Respondent/Petitioner

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw and to transfer the H.M.O.P.No.97 of 2016 pending on the file of the Sub Court, Tirupur to the learned Subordinate Judge Court, Madurai camp at Usilampatti and jointly to try along with H.M.O.P.No.230 of 2017 on the file of the learned Subordinate Judge, Madurai camp at Usilampatti in the nature and circumstances of the case.

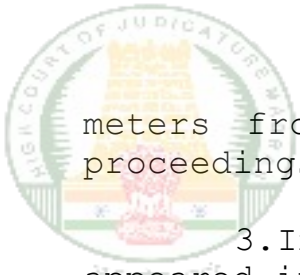
For Petitioner : Mr.R.Rajamohan

For Respondent : No Appearance

O R D E R

The petitioner has come forward with this petition seeking to transfer the H.M.O.P.No.97 of 2016 pending on the file of the Sub Court, Tiruppur, to the file of the Sub Court, Madurai, camp at Usilampatti and jointly to try along with H.M.O.P.No.230 of 2017 pending on file of the said Court for the reasons stated in the affidavit.

2.The petitioner/wife stated that she got married to the respondent on 02.09.2011 and after their marriage she gave birth to two children, but due to illness both of them died. Subsequently, the petitioner was driven out of the matrimonial home during March 2015 and she is residing with her ailing mother. While so, the respondent filed H.M.O.P.No.97/2016 on false allegations seeking divorce. The petitioner herein filed H.M.O.P.No.230/2017 on the file of Sub Court, Madurai, camp at Usilampatti seeking restitution of conjugal rights and the same is pending. Presently, the petitioner is unemployed having no sources of income and she finds it difficult to travel nearly 190 kilo



meters from her native place to Tiruppur to attend the court proceedings. Hence, she seeks transfer.

3. In spite of notice being served, the respondent neither appeared in person nor through counsel.

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4. Considering the reasons stated by the petitioner and the fact that the petitioner is unemployed and having no source of income on her own and further H.M.O.P.No.230/2017 filed by her is pending on the file of Sub Court, Madurai, camp at Usilampatti, 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.97 of 2016 pending on the file of the Sub Court, Tiruppur, is directed to be transferred to the file of the Sub Court, Madurai, camp at Usilampatti, for disposal. The Transferee Court is directed to expedite the trial and to dispose of H.M.O.P.No.97/2016 along with H.M.O.P.No.230/2017, pending on the file of the said Court, as early as possible. Consequently, connected Civil Miscellaneous petition is closed.

sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

TM

To

1. The Subordinate Judge, Tiruppur.

2. The Subordinate Judge, Madurai, camp at Usilampatti.

+1cc to Mr.R.Rajamohan, Advocate in SR.No. 92163

GJM/GT/SAR-2-5.1.18-2P-4C

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