



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.06.2019
CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

T.R.C.M.P. (MD) No.182 of 2019
and
C.M.P. (MD) No.4217 of 2019

P.Parameswari ... Petitioner/Respondent

Vs.

K.Muthu Kumar ... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.1 of 2019 pending on the file of the Subordinate Court, Periyakulam and transfer the same to any other Subordinate Court at Madurai.

For Petitioner : Mr.Khan K.S.M.S.Ibrahim
For Respondent : Mr.SO.Paramasivam

ORDER

This petition is filed to withdraw H.M.O.P.No.1 of 2019, pending on the file of the Subordinate Court, Periyakulam and transfer the same to other Subordinate Court, Madurai.

2.The petitioner states that the marriage between the petitioner and the respondent was solemnized on 09.07.1989 as per Hindu rites. Due to misunderstanding arose between them, they were living separately for long number of years. Earlier, the husband/respondent filed H.M.O.P.No.151 of 1993 for restitution of conjugal rights and withdraw the said petition. Again, the husband filed H.M.O.P.No.57 of 2005 for divorce on the ground of cruelty and desertion. He also withdraw the said H.M.O.P. 15 years later, the present H.M.O.P. has been filed for divorce in H.M.O.P.No.1 of 2019. Stating that the petitioner has to take care of her old aged parents, who are sick and bedridden, the petitioner has come forward with the present transfer petition.

3.Having regard to the facts and circumstances pointed out in this case, the husband has earlier filed two petitions. It is now admitted that the husband is also retired from service. In the petition filed by the husband in H.M.O.P.No.1 of 2019, the convenience of the wife has also to be considered. In such circumstances, this Court is inclined to allow this transfer petition. Accordingly, this petition is allowed and the petition in H.M.O.P.No.1 of 2019 pending on the file of the Subordinate Court, Periyakulam is withdrawn and the same is transferred to the file of



the Subordinate Court No.III, Madurai. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

Sub Assistant Registrar (CS)

To

1.The Subordinate Court, Periyakulam.

2.The Subordinate Court No.III, Madurai.

T.R.C.M.P. (MD) No.182 of 2019
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CMR

MK (03.07.2019) 2P 3C