



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.195 of 2019

and

C.M.P(MD) No.4518 of 2019

Malarkodi

... Petitioner/Respondent

Vs

Paramanadham

... Respondent/Petitioner

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.35 of 2019 on the file of the Principal Sub Court, Virdhachalam and transfer the same to the Principal Sub Court, Thanjavur, for trying jointly with H.M.O.P.No.87 of 2019.

For Petitioner : Mr.P.Vadivel

For Respondent : No appearance

ORDER

The above Transfer Civil Miscellaneous Petition has been filed by the wife seeking to transfer H.M.O.P.No.35 of 2019 pending on the file of the Principal Subordinate Judge, Virdhachalam, to the file of the Principal Sub Court, Thanjavur, to be tried along with H.M.O.P.No.87 of 2019. H.M.O.P.No.35 of 2019 has been filed by the respondent/husband for dissolution of marriage between him and the petitioner herein and H.M.O.P.No.87 of 2019 has been filed by the petitioner/wife for restitution of conjugal rights and the same is pending before the Principal Sub Court, Thanjavur.

2.Though the notice has been served on the respondent and his name has been printed in the cause list, none appeared on behalf of the respondent.

3.The affidavit filed in support of the transfer petition would indicate that the petitioner is having custody of sons and she has been single handedly taking care of them. There is no maintenance whatsoever paid by the respondent/husband. Further, the petitioner is depending on her widowed mother, who is financially assisting her. In these circumstances, the travel to Vridhachalam to attend the hearing of H.M.O.P.No.87 of 2019 filed by the respondent/husband would be created a strain on the petitioner. Further, H.M.O.P.No.87 of 2019 filed by her for restitution of conjugal rights, is pending before the Principal Sub Court, Thanjavur, no prejudice would be caused to the respondent if the petition in H.M.O.P.No.35 of 2019 transferred to the Principal Sub Court, Thanjavur.



4.Considering the arguments and perusing the papers, this Court is of the view that the petitioner has put forth sufficient cause for seeking transfer and hence, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P No.35 of 2019 is ordered to be withdrawn and transferred from the file of the Principal Sub Court, Vridhachalam, to the file of Principal Sub Court, Thanjavur. The learned Principal Subordinate Judge, Vridhachalam, is directed to transmit the entire records in H.M.O.P.No.35 of 2019 to the Principal Sub Court, Thanjavur, and the learned Principal Subordinate Judge, Thanjavur, is directed to tag H.M.O.P.No.35 of 2019 along with H.M.O.P.No.87 of 2019 which is pending on his file, conduct joint trial and dispose of the same on merits and in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Subordinate Judge,
Thanjavur.

2.The Principal Subordinate Judge,
Vridhachalam.

+1 CC to Mr.P.VADIVEL, Advocate (SR-89928[F] dated 27/09/2019)

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and

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