



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

**TR.C.M.P. (MD) No.203 of 2019**

**and**

**C.M.P. (MD) No.4632 of 2019**

S.Vana Devi

... Petitioner

vs.

V.Saravanakumar

... Respondent

**Prayer:-**This Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP.No.38 of 2019 pending before the Subordinate Judge, Srivilliputhur, Virudhunagar District and transfer the same to the Additional Subordinate Judge, District Court Campus, Tirunelveli District.

For Petitioner : Mr.R.Santhanam  
For Respondent : Mr.A.Balaji

**ORDER**

The above Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking for transfer the petition in HMOP.No.38 of 2019 filed by the respondent/husband for restitution of conjugal rights on the file of the Sub Court, Srivilliputhur to the file of the Additional Subordinate Court, District Court Campus, Tirunelveli.

2.The case of the petitioner/wife is that she had married the respondent/husband as per the Hindu Rites and Rituals on 30.11.2017 and had set up her matrimonial life at Chennai. She would contend that her matrimonial life at Chennai was miserable since the respondent was an alcoholic and was also in relationship with another woman. The respondent/husband demanded more jewels and money from the petitioner/wife. Meanwhile, the petitioner had conceived and thereafter, she had returned to her parental home for confinement. However, after her delivery, the respondent refused to take her back and has also not been maintaining her and his daughter, who is just 7 months old and has failed to perform his duty as a husband and father.

3.The learned counsel appearing for the petitioner would submit that since the respondent/husband has not given any amount as



maintenance to her till date, she is totally depending on her parents and she would be unable to defend the case at Srivilliputhur, as it is very difficult to travel from Tirunelveli to Srivilliputhur by herself along with a baby girl.

4.Considering the above fact and taking into account of the fact that the residence of the petitioner/wife would confer the jurisdiction on the Court at Tirunelveli to try the petition for restitution of conjugal rights, this Transfer Civil Miscellaneous Petition is allowed and the petition in HMOP.No.38 of 2019 pending on the file of the Subordinate Court, Srivilliputhur, Virudhunagar District, is ordered to be withdrawn and transferred to the file of Additional Subordinate Court, District Court Campus, Tirunelveli. The learned Subordinate Judge, Srivilliputhur, Virudhunagar District, is directed to transmit the entire records of HMOP.No.38 of 2019 to the Additional Subordinate Court, District Court Campus, Tirunelveli, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Subordinate Judge,  
Srivilliputhur,  
Virudhunagar District.

2.The Additional Subordinate Judge,  
District Court Campus,  
Tirunelveli.

+1 CC to Mr.R.SANTHANAM, Advocate ( SR-92273[F] dated 16/10/2019 )

+1 CC to Mr.A.BALAJI, Advocate ( SR-92438[F] dated 17/10/2019 )

**TR.C.M.P. (MD) No.203 of 2019**

**16.10.2019**

VB(08.11.2019) 2P 5C