



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

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TR.C.M.P(MD)No.210 of 2019

and

C.M.P. (MD)No.4860 of 2019

S.Porselvi

: Petitioner

Vs.

A.Subramani

: Respondent

Prayer: Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the case in H.M.O.P.No.1006 of 2018 on the file of the Family Court, Madurai and transfer the same to the Sub-Court, Aruppukottai, Virudhunagar District.

For Petitioner : Mr.M.Jothi Basu

For Respondent : No Appearance

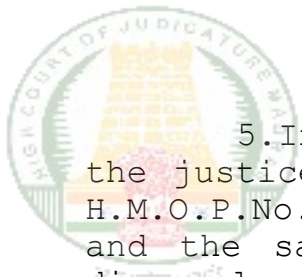
ORDER

Despite notice being served to the respondent, none appeared on behalf of the respondent. This Court is inclined to dispose the transfer civil miscellaneous petition on merits.

2.This petition has been preferred by the petitioner/wife to withdraw the case in H.M.O.P.No.1006 of 2018 on the file of the Family Court, Madurai and transfer the same to the Subordinate Court, Aruppukottai, Virudhunagar District.

3.The petitioner is the wife and the respondent is her husband. The marriage between the petitioner and the respondent took place on 06.12.2017. The respondent has filed a petition in H.M.O.P.No.1006 of 2018 for restitution of conjugal rights before the Family Court, Madurai, whereas the petitioner has filed a petition in H.M.O.P.No.59 of 2019 for divorce before the Subordinate Court, Aruppukottai.

4.In a petition against wife for divorce the convenience of the wife is relevant. As per Section 19 of Hindu Marriage Act, the place of residence of wife/petitioner is a deciding factor and hence she can seek transfer of proceeding to the place, where she resides. It is not in dispute that the petition filed by the wife is also pending before the Subordinate Court, Aruppukottai, Virudhunagar District and the same is filed for divorce on the ground of mental cruelty.



5. In the facts and circumstances of the case and to ensure the justice to the petitioner, this Court allows this petition and H.M.O.P.No.1006 of 2018 is withdrawn from the Family Court, Madurai, and the same is transferred to the Sub Court, Aruppukkottai for disposal on merits.

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6. The learned Judge, Family Court, Madurai is directed to send the records in H.M.O.P.No.1006 of 2018 to the file of the Subordinate Court, Aruppukkottai, within a period of two weeks from the date of receipt of a copy of this order.

7. The learned Subordinate Judge, Aruppukkottai after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.1006 of 2018, on merits and in accordance with law, as expeditiously as possible, preferably within a period of four months.

8. In view of the above, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Sub-Court, Aruppukkottai,
Virudhunagar District.

2. The Family Court, Madurai.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-77086[F] dated 24/07/2019)

TR.C.M.P(MD)No.210 of 2019
and
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23.07.2019

das

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