



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.10.2019**

CORAM :

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

**TR.C.M.P. (MD) No.346 of 2019**

**and**

**C.M.P. (MD) No.7984 of 2019**

R.Nageswar @ R.Sindhu Priya

... Petitioner

vs.

S.Alagarsamy @ S.Atchaya Ramkumar

... Respondent

**Prayer:-** This Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the HMOP.No.114 of 2019 on the file of the Sub Court, Uthamapalyam to the Principal Subordinate Judge, Trichirapalli to try along with HMOP.No.221 of 2019.

For Petitioner : Mr.A.Chandrakumar

For Respondent : Mr.S.Madhavan

**ORDER**

This petition is filed by the wife/petitioner for transferring HMOP.No.114 of 2019 filed by her husband/respondent seeking divorce pending on the file of the learned Subordinate Judge, Uthamapalyam, to the Principal Sub Court, Trichirapalli to be tried along with HMOP.No.221 of 2019 filed by the wife seeking restitution of conjugal rights.

2.The learned counsel appearing for the petitioner/wife would submit that the respondent/husband had left the petitioner in a lurch and she is unable to defend the case at Uthamapalayam as it is very difficult to travel to Uthamapalayam by herself and further, she requires the assistance of another person, both for travel and stay at Uthamapalayam and now, she is totally depending on her parents for her day to day expenses. The husband has not been giving her any maintenance money.

3.Considering the fact that the residence of the petitioner/wife is also conferred with the jurisdiction to try the petition for divorce and taking into account the hardship that is



likely to be caused to the petitioner/wife, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.114 of 2019 pending on the file of the Subordinate Court, Uthamapalayam, is ordered to be withdrawn and transferred to the file of Principal Subordinate Court at Tiruchirapalli. The learned Subordinate Judge, Uthamapalayam, is directed to transmit the entire records of H.M.O.P.No.114 of 2019 to the Principal Subordinate Court at Tiruchirapalli as expeditiously as possible to try along with HMOP.No.221 of 2019 filed by the petitioner/wife seeking restitution of conjugal rights. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS )

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To

- 1.The Subordinate Judge,  
Uthamapalayam.
- 2.The Principal Subordinate Judge,  
Tiruchirapalli.

+1 CC to M/s.S.MADHAVAN, Advocate SR-91050.

**TR.C.M.P. (MD) No.346 of 2019**  
**01.10.2019**

CS (04.11.2019) 2P 4C