



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.11.2019
CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P. (MD)No.404 of 2019
and C.M.P. (MD)No.9197 of 2019

S.Muthulakshmi

... Petitioner/Respondent

Vs.

A.Ravichandran

... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.R.P., to withdraw the case in H.M.O.P.No.101 of 2019 from the Sub Court, Uthamapalayam and transfer the same to the Principal Sub Court, Srivilliputhur and to try along with the H.M.O.P.No.108 of 2019 on the file of the Principal Sub Court, Srivilliputhur.

For Petitioner : Mr.K.Vinayagan
For Respondent : No Appearance

ORDER

The above application is filed by the wife seeking transfer of the proceedings for divorce filed by the husband before the Sub Court, Uthamapalayam in H.M.O.P.No.101 of 2019 to the file of the Principal Sub Court, Srivilliputhur where the petition filed by the wife for restitution of conjugal right is pending.

2.The respondent has been served and the name has also been printed in the cause list. However, he did not appear in person or through counsel and therefore, the Court proceeded to hear the matter in his absence.

3.The learned counsel would submit that the petitioner is willing to re-join her husband. Though she had suffered at the hands of husband and his people, who had been demanded more dowry, with an intent to maintain marital happiness, she is willing to re-join her husband and hence, she has filed a petition for restitution of conjugal rights before the Principal Sub Court, Srivilliputhur. The respondent also not maintained her.

3.The submissions made by the learned counsel for the petitioner are reasonable and convincing and also taking into account of the fact the petitioner is residing within the jurisdiction of the Principal Sub Court, Srivilliputhur and as she has also initiated proceedings for restitution of conjugal rights,



interests of justice would be sub-served if the transfer is ordered as prayed for.

4.In view of the above, this transfer civil miscellaneous petition is allowed as prayed for. Accordingly, the case in H.M.O.P (MD) No. 101 of 2019 is ordered to be withdrawn and transferred from the file of the Sub Court, Uthamapalayam, to the file of Principal Sub Court, Srivilliputhur. The learned Sub Court, Uthamapalayam, is directed to transmit the entire records in H.M.O.P.No.101 of 2019 to the Principal Sub Court, Srivilliputhur and the learned Principapal Sub Court, Srivilliputhur, is directed to dispose of the both the case in H.M.O.P.Nos. 108 of 2019 and 101 of 2019 on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Sub Court, Uthamapalayam.
- 2.The Principal Sub Court, Srivilliputhur.

+1 CC to Mr.K.VINAYAGAN, Advocate (SR-95555[F] dated 01/11/2019)

TR.C.M.P. (MD)No.404 of 2019
01.11.2019

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