



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.255 of 2015

and

M.P(MD) No.1 of 2015

R.Sornadevi @ Bala

... Petitioner

Vs.

Ramasamy @ Chockalingam

... Respondent

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer the petition made in H.M.O.P.No.65 of 2013 on the file of Sub Court, Devakottai to Sub Court, Pudukkottai.

For Petitioner : Mr.Pala.Ramasamy

For Respondent : No appearance

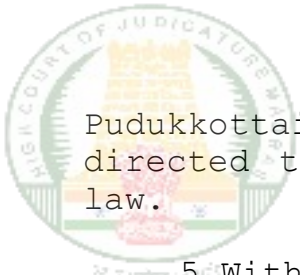
ORDER

The above Transfer Civil Miscellaneous Petition is filed by the wife seeking transfer of H.M.O.P.No.65 of 2013 filed by the husband on the file of the Sub Court, Devakottai for restitution of conjugal rights, to the file of Sub Court, Pudukkottai.

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. Therefore, this Court has proceeded to hear the matter in his absence.

3.The transfer is sought for the reasons that the petitioner, who has been deserted by the respondent/husband, is living with her parents and she is entirely depending upon them for the financial requirements. The respondent has not taken any efforts to either re-join her or to pay maintenance. She is also taking care of her 3 ½ years old child and even the child is not given financial support by the respondent/husband. The Sub Court, Pudukkottai, is also vested with the jurisdiction to try the HMOP, since the petitioner is residing within this jurisdiction.

4.I find considerable force in the arguments that have been put forwarded by the petitioner. Hence, the petition in H.M.O.P.No.65 of 2013 pending before the Sub Court, Devakottai, is ordered to be transferred to the file of Sub Court, Pudukkottai. The learned Subordinate Judge, Devakottai, is directed to transmit the entire records in H.M.O.P.No.65 of 2013 to the Sub Court,



Pudukkottai and the learned Subordinate Judge, Pudukkottai, is directed to dispose of the same on merits and in accordance with law.

5. With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

cp

To

1. The Subordinate Judge, Devakottai.

2. The Subordinate Judge, Pudukkottai.

+2CC TO MR.PALA.RAMASAMY, Advocate Sr. No. 97175 & 97012

Tr.C.M.P. (MD) No.255 of 2015

and

M.P (MD) No.1 of 2015

07.11.2019

scr(CO)

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