



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.419 of 2016

and

C.M.P(MD) No.8309 of 2016

Packiya Pushbam

... Petitioner

Vs.

C.Gobi

... Respondent

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.118 of 2016 from the file of the Hon'ble Sub Court, Theni, and transferring the same to the Hon'ble Sub-Court, Madurai (at Usilampatti Camp) or any other competent Court in Madurai District within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani

For Respondent : No appearance

ORDER

The above Transfer Civil Miscellaneous petition has been filed by the wife seeking to transfer H.M.O.P.No.118 of 2016 pending on the file of the Sub Court, Theni to the Sub Court, Madurai or any other competent Court in Madurai District.

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.

3.The learned counsel for the petitioner would submit that the petitioner has two children out of the wedlock and she is taking care of the two children from birth. The respondent has not taken any steps to maintain her or her children. At this juncture, if she has been made to travel all the way to attend the hearing in H.M.O.P.No.118 of 2016, she would be put to hardship. She is not only depending on her parents for financial help but she would also require the assistance of male members to attend the hearing at Theni. Therefore, she seeks to transfer the petition in H.M.O.P.No.118 of 2016 on the file of the Sub Court, Theni for restitution of conjugal rights, to any Sub Court, Madurai.



4.Heard the learned counsel for the petitioner and perused the papers.

5.It is seen that the petitioner and her children are residing at Madurai and the respondent/husband has not been maintaining the petitioner and her children. In these circumstances and also taking into account of the fact that the petitioner is residing in Madurai, the petition in H.M.O.P No.118 of 2016 pending on the file of the Sub Court, Theni, is ordered to be withdrawn and transferred to the file of Principal Sub Court, Madurai. The learned Subordinate Judge, Theni, is directed to transmit the entire records in H.M.O.P No.118 of 2016 to the Principal Sub Court, Madurai and the learned Principal Subordinate Judge, Madurai, is directed to dispose of the same on merits and in accordance with law.

6. In the result, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1.The Subordinate Judge, Theni.

2.The Principal Subordinate Judge, Madurai,

+1 CC to M/s.S.MALAIKANI, Advocate (SR-86811[F] dated 16/09/2019)

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cp

JM/09.10.2019/2P/4C