



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.10.2019
CORAM :

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P. (MD) No.182 of 2017

and

C.M.P. (MD) No.4191 of 2017

Usha Rani

... Petitioner

vs.

Balasubramanian

... Respondent

Prayer:-This Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP.No.15 of 2017 on the file of the Subordinate Court, Tiruppur, and also to transfer the same to the file of Sub Court, Thuraiyur.

For Petitioner : Mr.K.Prabhakar
For Respondent : No appearance

ORDER

The above Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking to transfer the petition in HMOP.No.15 of 2017 filed by the respondent/husband for restitution of conjugal rights on the file of the Sub Court, Tiruppur to the file of the Sub Court, Thuraiyur to be tried along with HMOP.No.418 of 2016 filed by the petitioner for divorce on the file of the Sub Court, Trichy.

2.No representation on behalf of the respondent.

3.The learned counsel appearing for the petitioner/wife would submit that the petitioner has obtained employment on compassionate ground at Tamilnadu State Transport Corporation after the demise of her father and her minor son, Praveen, is under the care and custody of her. Since the respondent/husband has not given any amount as maintenance to them till date, it would be very extremely difficult for her to attend the case for every hearing at Tiruppur and the petition in HMOP.No.418 of 2016 filed by her for divorce is also pending before the Sub Court, Trichy.

4.Considering the above, this Court is of the view that interest of justice would be sub-served, if the petition in H.M.O.P.No.15 of 2017 is ordered to be withdrawn and transferred from the file of the Subordinate Court, Tiruppur to the file of Subordinate Court, Thuraiyur. The learned Subordinate Judge,



Tiruppur, is directed to transmit the entire records of HMOP.No.15 of 2017 to the file of Subordinate Court, Thuraiyur, as expeditiously as possible.

5.This Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Subordinate Judge,
Tiruppur.

2.The Subordinate Judge,
Thuraiyur.

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