



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

TR.C.M.P. (MD) No.5 of 2020

and

C.M.P (MD) No.196 of 2020

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G.P.Sivasankari

... Petitioner/Respondent

vs.

V.Mohanasajiv

... Respondent / Petitioner

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case H.M.O.P.No.774 of 2019 on the file of the Sub Court, Tambaram and transfer the same to the Sub Court at Padmanabhapuram, Kanyakumari District to be tried either jointly or simultaneously along with H.M.O.P.No.1 of 2020 pending on the file of the Sub Court, Padmanabhapuram, Kanyakumari District.

For Petitioner

: Mr.A.Chidambaram
for Mr.N.GA.Natraj

For Respondent

: Mr.H.Velavadhas

ORDER

The petitioner / wife, who is facing proceedings for divorce on the file of the Sub Court, Tambaram and who has instituted the proceedings for restitution of conjugal rights in H.M.O.P.No.1 of 2020 on the file of the Sub Court, Padmanabhapuram, seeks transfer of H.M.O.P.No.774 of 2019 from the file of the Sub Court, Tambaram to Sub Court, Padmanabhapuram.

2. This request is opposed by the learned counsel for the respondent / husband on the ground that Thuckalay is the native place of the petitioner / wife and her house is situated behind the Sub Court and the respondent apprehends threat to his personal safety, if he is to attend the hearings at Padmanabhapuram.

3. Considering the allegations, I am of the opinion that both the proceedings can be transferred to the Sub Court, Nagercoil, which will be more convenient for both the parties. It is also stated that the wife is having 1 ½ year old child.

4. In view of the above, this transfer civil miscellaneous petition is allowed and the proceedings in H.M.O.P.No.774 of 2019 and H.M.O.P.No.1 of 2020 are withdrawn from file of the Sub Court, Tambaram and Sub Court, Padmanabhapuram, respectively and they are transferred to the file of the Sub Court, Nagercoil to be disposed of together in accordance with law. The Sub Court, Tambaram and the



Sub Court, Padmanabhapuram are directed to transmit the papers to the Sub Court, Nagercoil forthwith. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Subordinate Judge, Tambaram.
- 2.The Subordinate Judge, Padmanabhapuram,
Kanyakumari District.
- 3.The Subordinate Judge,
Nagercoil.

+1 CC to M/s.N.GA.NATRAJ, Advocate (SR-7870[F] dated 24/02/2020)

+1 CC to M/s.H.VELAVADHAS, Advocate (SR-7843[F] dated 24/02/2020)

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SMA/10/03/2020/2P/6C