



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.246 of 2021
and C.M.P. No.6882 of 2021

Shobana R

.. Petitioner

Vs

A.Ganesh Kannan

.. Respondent

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the HMOP No.14 of 2021 on the file of the learned Sub Court of Aruppukkottai and transfer the same to the learned Family Court of Mannargudi to be tried along with HMOP No.14 of 21.

For Petitioner : Mr.K.Jayaraman

For Respondent : No Appearance

O R D E R

This petition has been filed to withdraw the case in HMOP No.14 of 2021 pending before the learned Sub Court of Aruppukkottai and transfer the same to the learned Family Court of Mannargudi to be tried along with HMOP No.14 of 2021.

2.This transfer civil miscellaneous petition is filed by wife. The marriage between the petitioner and the respondent was solemnized on 16.06.2016 at Aruppukkottai. The respondent/husband filed HMOP No.14 of 2021 on the file of Sub Court, Aruppukkottai which is more than 270 Kms from the petitioner's permanent residence. It is also stated by the learned counsel for the petitioner that the petitioner is having a three year old son and they are depending on her parents.

3.Having regard to the tender age of her child and inconvenience that may be caused to her, the petitioner has come to this Court for transfer on the ground of her convenience. It is also stated that the petitioner may not get fair opportunity to defend the case if the case is being tried by Sub Court, Aruppukkottai. The respondent did not appear despite service of notice on him about two months back. In such Circumstances, this



Court is of the view that the respondent has no serious issues about transfer. Accordingly, H.M.O.P. No.14 of 2021 pending on the file of the learned Sub Court, Aruppukottai, is hereby withdrawn and transferred to Family Court, Mannargudi. The petitioner wife has filed a petition for restitution of conjugal rights before the Family Court, Mannargudi. It will be also in the interest of both parties to have a joint trial. Hence, HMOP No.14 of 2021 on the file of Sub Court, Aruppukottai after transfer is directed to be tried and disposed of along with HMOP No.14 of 2021 pending before the Family Court, Mannargudi.

5.This transfer civil miscellaneous petition is thus allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Family Court, Mannargudi.
2. The Sub Court, Aruppukkottai

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SRA(CO)
CB(13/08/2021)