



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

Tr.C.M.P.No.464 of 2021  
and  
C.M.P.No.12232 of 2021  
[Through video conferencing]

Manjula ...Petitioner  
-vs-  
Sivashankar ...Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.162 of 2020 on the file of the Subordinate Court, Pudukkottai District and to transfer the same to the Subordinate Court, Dharapuram, Tiruppur District by allowing this Transfer Petition.

For Petitioner : Mr.Udayakumar  
for Karanand Uday

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.162 of 2020 on the file of the Subordinate Court, Pudukkottai District and to transfer the same to the Subordinate Court, Dharapuram, Tiruppur District.

2.Though notice has been served to the respondent there is no representation on behalf of the respondent.

3.It is submitted by the learned counsel for the petitioner that the respondent/husband has filed a petition in H.M.O.P.No.162 of 2020 before the Subordinate Court, Pudukkottai, Pudukkottai District, for divorce and the petitioner/ wife has filed a petition in H.M.O.P.No.31 of 2021 on the file of the Subordinate Court, Dharapuram, Tiruppur District, for restitution of conjugal rights.

4.The learned counsel for the petitioner/wife submitted that the petitioner is residing with her parents home at Dharapuram, Tiruppur District along with her minor daughter. The distance between Dharapuram and Pudukkottai is around 174 Kms. He would



submit that she has no independent income and she is depending on her old age parents for her day to day expenses. Moreover, the petitioner is being a lady she is not in a position to travel alone from Dharapuram and Pudukkottai for attending the Court on every hearings in H.M.O.P.No.162 of 2020. Therefore, on the ground of convenience, she seeks to transfer the case in H.M.O.P.No.162 of 2020 from the file of the Subordinate Court, Pudukkottai to the file of the Subordinate Court, Dharapuram, Tiruppur District.

5.Heard the learned counsel for the petitioner/wife and perused the materials available on record.

6.Considering the facts and circumstances of the case and also the considering the submissions made by the learned counsel for the petitioner, this Court is inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, H.M.O.P.No.162 of 2020 is withdrawn from the file of the Subordinate Court, Pudukkottai and transferred to the file of the Subordinate Court, Dharapuram, Tiruppur District. The Subordinate Court, Pudukkottai is directed to transmit the papers to the file of the Subordinate Court, Dharapuram, Tiruppur District forthwith. The learned Judge, Subordinate Court, Dharapuram, Tiruppur District is directed to dispose of the case in H.M.O.P.No.162 of 2020 on merits and in accordance with law as expeditiously as possible.

7.In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently,connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mpa

To:

1. The Subordinate Judge, Pudukkottai.
2. The Subordinate Judge, Dharapuram, Tiruppur District.

Tr.C.M.P.No.464 of 2021  
and C.M.P.No.12232 of 2021

CP(CO)  
RGA(01/12/2021)