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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

Tr.C.M.P.No.463 of 2021

and

C.M.P.No.12228 of 2021

[Through video conferencing]

G.M.Nirmala

... Petitioner

-vs-

P.Rajamanikandan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in H.M.O.P.No.91 of 2021 from the file of the Subordinate Judge's Court at Kumbakonam and transfer the same to the file of the Subordinate Judge's Court at Palacode.

For Petitioner : Mr.P.Valliappan

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the petition in H.M.O.P.No.91 of 2021 from the file of the Subordinate Judge's Court at Kumbakonam and transfer the same to the file of the Subordinate Judge's Court at Palacode.

2.The respondent/husband has filed H.M.O.P.No.91 of 2021 before the Subordinate Court at Kumbakonam for restitution of conjugal rights.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing in her parents home at Palacode Taluk, Dharmapuri District along with her age old parents. The distance between Dharmapuri and Kumbakonam is around 300 Kms. He would further submit that the petitioner is depending on her age old parents for her day to day expenses and she is not in a position to travel alone from Dharmaputi to Kumbakonam for



attending the Court on every hearings in H.M.O.P.No.91 of 2021. Therefore, he seeks to transfer the case from the file of the Subordinate Judge's Court at Kumbakonam to the file of the Subordinate Judge's Court at Palacode.

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4.Heard the learned counsel for the petitioner and perused the materials available on record.

5.There is no representation for the respondent. The respondent has refused to receive the notice.

6.Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to transfer the case in H.M.O.P.No.91 of 2021 to the file of the Subordinate Judge's Court at Palacode.

7.Accordingly, H.M.O.P.No.91 of 2021 is withdrawn from the file of the Subordinate Judge's Court at Kumbakonam and to transfer the same to the file of the Subordinate Judge's Court at Palacode. The learned Subordinate Judge, Kumbakonam is directed to transmit the papers to the file of the Subordinate Judge's Court at Palacode. The learned Judge, Subordinate Court at Palacode is directed to dispose of the case in H.M.O.P.No.91 of 2021 on merits and in accordance with law as expeditiously as possible.

8.The personal appearance of both parties before the Subordinate Court, Palacode is dispensed with, except on the dates of hearing, on which, the learned Judge insists upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the Court.

9.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

ssi

To:

1.The Subordinate Judge,
Kumbakonam.



2.The Subordinate Judge,
Palacode.

+1cc to Mr.P.Valliappan, Advocate Sr No.51513

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AKII (CO)
PR (22/10/2021)