



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.53 of 2021

and C.M.P. (MD)No.1080 of 2021

WEB COPY

K.Suvitha

... Petitioner/Respondent

-VS-

S.R.Pearlson Sam Chellakumar

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in I.D.O.P.No.38 of 2020 on the file of the Principal District Judge, Trichirappalli and transfer the same to the file of the learned Principal District Judge, Sivagangai.

For Petitioner : Mr.A.George Stephen Kanikkairaj

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw I.D.O.P.No.38 of 2020 on the file of the Principal District Judge, Trichirappalli and transfer the same to the file of the learned Principal District Judge, Sivagangai.

2.The respondent/husband has filed I.D.O.P.No.38 of 2020 before the Principal District Judge, Trichirappalli for restitution of conjugal rights.

3. The learned counsel for the petitioner/wife submitted that the petitioner is living with her parents along with children and the distance between Karaikudi and Trichirappalli is about 300 kms. In such circumstances, it is very difficult to travel from Karaikudi to Trichirappalli for attending every hearing in I.D.O.P.No.38 of 2020 on the file of the Principal District Judge, Trichirappalli. It is further submitted that the petitioner/wife has also filed I.D.O.P.No.2 of 2021 before the Principal District Judge, Sivagangai for dissolution of marriage and if I.D.O.P.No.38 of 2020 is transferred to the same court, it would avoid conflicting judgments.

4. Today, when the matter is taken up for hearing, there is no representation on behalf of the respondent either in person or through counsel.

5. This Court considered the arguments made by the learned counsel for the petitioner.



6. This Court is satisfied with the reasons stated in the affidavit filed in support of this petition.

7. Considering the facts and circumstances of the case and considering the submission made by the learned counsel for the petitioner, I.D.O.P.No.38 of 2020 is withdrawn from the Principal District Judge, Trichirappalli and transferred to the file of the Principal District Judge, Sivagangai, for disposal as per law. The Principal District Judge, Trichirappalli is directed to transmit the papers to the file of the Principal District Judge, Sivagangai, forthwith. The Principal District Judge, Sivagangai, is directed to dispose I.D.O.P.No.38 of 2020 along with I.D.O.P.No.2 of 2021 on merits and in accordance with law as expeditiously as possible.

8. In fine, this petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/CM

To:

1. The Principal District Judge, Sivagangai,
2. The Principal District Judge, Trichirappalli

+1 CC to M/s.A.GEORGE STEPHEN, Advocate (SR-17840[F] dated 28/04/2021)

Order made in

Tr.C.M.P. (MD) No.53 of 2021
and C.M.P. (MD) No.1080 of 2021

Dated:

26.04.2021P

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