



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**

TR.CMP. (MD) No.78 of 2020
and
C.M.P. (MD) No.1555 of 2020

M.Mahalakshmi : Petitioner/Respondent

Vs.

G.Ramesh : Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Civil Procedure Code seeking to withdraw and transfer H.M.O.P.No.198 of 2019 on the file of the Sub-Court, Sankarankovil to the Sub-Court, Kovilpatti.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : Mr.I.Murugesan

ORDER

The petitioner / wife seeks transfer of H.M.O.P.No.198 of 2019 pending on the file of the Sub-Court, Sankarankovil to Sub-Court, Kovilpatti. The said petition is filed by the respondent / husband seeking restitution of conjugal rights.

2. The husband is a resident of Kuruvikulam Village near Sankarankovil, whereas, the wife is a resident of Kovilpatti in Tuticorin District. Though the two towns, namely, Sankarankovil and Kovilpatti, are situated in different Districts, the distance between them is less than 40 kms. Even then, the wife would seek transfer, as if the right to conduct the proceedings in a place of her choice is a right vested in her.

3. The husband would also make a complaint that the wife is refusing to live with his mother. In today's circumstances, this expectation of the husband is very unreasonable.

4. The learned Counsel appearing for the respondent / husband would further submit that the brother of the petitioner is a member of a political party and he would create problems if the husband is to go to Kovilpatti for every hearing.



5. Considering the stand taken by both the parties as well as the convenience of the wife, which is said to be the paramount consideration in matters of transfer, I am of the opinion that H.M.O.P.No.198 of 2019 should be transferred to the Sub-Court, Kovilpatti, since the inconvenience caused to the husband will not be much, considering the distance between the two towns. Inasmuch as the proceedings are before a Sub-Court, the husband need not attend every hearing and it is enough if he attends the effective hearings.

6. Hence, this transfer petition is allowed and H.M.O.P.No.198 of 2019 is withdrawn from the file of the Sub-Court, Sankarankovil and transferred to the file of the Sub-Court, Kovilpatti, to be tried and disposed of in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk

To

1.The Subordinate Judge,
Kovilpatti.

2.The Subordinate Judge,
Sankarankovil.

+1 CC to M/s.I.MURUGESAN, Advocate (SR-11197[F] dated 15/03/2021)

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15.03.2021

MJ(CO)

KK(26.03.2021) 2P 4C