



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.125 of 2021

and

C.M.P (MD) No.2419 of 2021

WEB COPY

Shanmuga Priya

... Petitioner

-vs-

Pradeep Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.65 of 2020 on the file of Family Court, Tirunelveli and transfer the same to Sub Court, Tenkasi and consequently direct the Sub Court, Tenkasi to try the case along with H.M.O.P.No.11/2021.

For Petitioner : Mr.A.Balakrishnan

For Respondent : Mr.T.Selvan

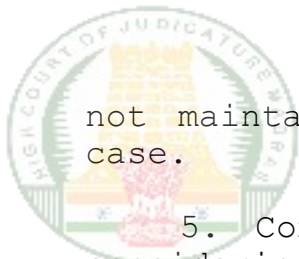
O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.65 of 2020 on the file of Family Court, Tirunelveli and transfer the same to Sub Court, Tenkasi and consequently direct the Sub Court, Tenkasi to try the case along with H.M.O.P.No.11/2021.

2.The respondent/husband has filed HMOP.No.65 of 2020 before the Family Court, Tirunelveli, for divorce. The petitioner/wife has filed H.M.O.P.No.11 of 2021 before the Sub Court, Thenkasi, for restitution of conjugal right.

3. The learned counsel for the petitioner/wife submitted that the petitioner is residing with her parents along with one year old child at Tenkasi and she is depending on her age old parents for her day today livelihood. The distance between Tenkasi to Tirunelveli is nearly 40 kms. In these circumstances, nobody is there to accompany the petitioner to attend Court hearings in H.M.O.P.No.65 of 2020. Hence, he seeks to transfer the case to the file of Sub Court, Tenkasi.

4. The learned counsel appearing for the respondent has submitted that the petitioner is working at Chennai and the respondent is residing at Coimbatore. For the convenient of the petitioner only, the respondent has filed the petition before the Family Court, Tirunelveli. He would further submit that Alangulam is equal distance from Tirunelveli and Tenkasi. There is no cause of action to file the petition at Tenkasi and the petition itself is



not maintainable. Hence, he has strongly opposed to transfer the case.

5. Considering the facts and circumstances of the case and considering the arguments made by both sides, H.M.O.P.No.65 of 2020 is withdrawn from the Family Court, Tirunelveli and transferred to the file of Sub Court, Tenkasi, to be tried along with H.M.O.P.No.11 of 2021 for disposal as per law. The learned Judge, Family Court, Tirunelveli, is directed to transmit the papers to the Sub Court, Thenkasi, forthwith. The Subordinate Judge, Tenkasi, is directed to dispose of the case in H.M.O.P.No.65 of 2020 along with H.M.O.P.No.11 of 2021 on merits and in accordance with law as expeditiously as possible.

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

- 1.The Judge, Family Court, Tirunelveli.
- 2.The Subordinate Judge, Thenkasi.

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-21433[F] dated 07/07/2021)

Order made in
Tr.C.M.P. (MD) No.125 of 2021
and
C.M.P (MD) No.2419 of 2021

Dated:

06.07.2021

KK(13.07.2021) 2P 4C