



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.138 of 2021

and

C.M.P. (MD) No.2647 of 2021

WEB COPY

A.Vijayalakshmi

... Petitioner

-vs-

K.Muthukumar

... 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.3 of 2020 on the file of the Subordinate Court, Mudukulathur and to transfer the same to the file of Subordinate Court, Aruppukkottai.

For Petitioner : Mr.R.Ramadurai

For Respondent : Mr.P.Mani Anand

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.3 of 2020 on the file of the Subordinate Court, Mudukulathur and to transfer the same to the file of the Subordinate Court, Aruppukkottai.

2.The respondent/husband has filed H.M.O.P.No.3 of 2020 before the Subordinate Court, Mudhukulathur for divorce and the petitioner/wife has filed H.M.O.P.No.39 of 2020 before the Subordinate Court, Aruppukkottai for restitution of conjugal rights.

3.The learned counsel for the petitioner/wife submits that the petitioner is having tender children aged about two year and one year respectively and she has to change over three buses to reach Madhukulathur from Aruppukkottai. In such circumstances, it is difficult for the petitioner to travel from Aruppukkottai to Mudhukulathur for attending every hearing in H.M.O.P.No.3 of 2020 on the file of the Subordinate Court, Mudhukulathur and hence, H.M.O.P.No.3 of 2020 may be transferred to the file of the Subordinate Court, Aruppukkottai for trying along with H.M.O.P.No.39 of 2020.

4. The learned counsel for the respondent submitted that though he has no objection for transferring the case, the appearance of the respondent may be dispensed with.



5. This Court is satisfied with the reasons assigned in the affidavit filed in support of this petition.

6. In view of the same, H.M.O.P.No.3 of 2020 is withdrawn from the file of Subordinate Court, Mudhukulathur and transferred to the file of Subordinate Court, Aruppukottai to be tried along with H.M.O.P.No.39 of 2020 for disposal as per law. The Subordinate Judge, Mudhukulathur is directed to transmit the papers to the Subordinate Court, Aruppukottai forthwith. The Subordinate Judge, Aruppukottai, is directed to dispose H.M.O.P.No.3 of 2020 along with H.M.O.P.No.39 of 2020 on merits and in accordance with law as expeditiously as possible.

7. The personal appearance of the parties before the Subordinate Judge, Aruppukottai 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.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

To:

1. The Subordinate Judge, Aruppukkottai
2. The Subordinate Judge, Mudhukulathur

Order made in
Tr.C.M.P. (MD) No.138 of 2021

and
C.M.P. (MD) No.2647 of 2021

Dated:
30.04.2021