



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 16.12.2021**

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

Tr.C.M.P. (MD) No.388 of 2021  
and  
C.M.P. (MD) No.7690 of 2021

Lakshmiprabha .. Petitioner/Respondent

-vs-

K.Sundararajan .. Respondent /Petitioner

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw H.M.O.P.No.46 of 2021 on the file of Subordinate Court, Periyakulam and transfer the same to the file of Subordinate Court, Sankarankovil.

For Petitioner : Mr.R.J.Karthick

For Respondent : No appearance

**ORDER**

The respondent's wife has filed the application for transferring HMOP No.46 of 2021 pending on the file of the Sub Court, Periyakulam to the file of the Sub Court, Sankarankovil.

2.The transfer is sought on the basis that the petitioner has been sent out of her matrimonial home and that she has been subjected to physical as well as mental torture at the hands of the respondent/husband and his family members. She had therefore left her matrimonial home with her daughter, who was born on 05.06.2020, and is hardly a year old. She has submitted that her husband / respondent has filed HMOP No.46 of 2021 on the file of the Subordinate Court, Theni for restitution of conjugal rights. The petitioner would submit that she is now residing at her parental home at Sankarankovil and it is her parents who are taking care of her as well as her child. The respondent/husband is not providing any maintenance for the child or for the petitioner. In these circumstances if she is forced to travel to Periyakulam, Theni District, she would be put to a great deal of financial as well as



physical hardship as she would have to travel with her baby and with some other person accompanying her, which would add to the financial burden of her parents, who are now supporting her.

3. Heard the learned counsel for the petitioner. The respondent, though served, has not entered appearance.

4. Taking note of the submissions made in the affidavit and by the learned counsel for the petitioner, this Court of the view that the interest of justice would be sub-served, if the petition in H.M.O.P.No.46 of 2021 pending on the file of the Sub Court, Periyakulam, is withdrawn and transferred to the file of the Sub Court, Sankarankovil.

5. In the result, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.46 of 2021 pending on the file of the Sub Court, Periyakulam, is withdrawn and transferred to the file of the Sub Court, Sankarankovil. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

Cp

Note:-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1. The Subordinate Judge,  
Periyakulam.

2. The Subordinate Judge,  
Sankarankovil.

+1. CC to M/S.R.J.KARTHICK Advocate SR.No.39352

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RD(3.01.2022) 2P 4C

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