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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2021

CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.308 of 2020
and
C.M.P(MD) No.6689 of 2020

S.Mahalakshmi ... Petitioner/Respondent

-Vs-

G.Manoj Kumar ... Respondent /Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to transfer H.M.O.P.No.97 of 2020, on the file of the Sub Court, Sivakasi and transfer the same to the file of Sub Court, Kovilpatti.

For Petitioner : Mr.Lakshmi Gopinathan for M/s. Polax Legal Solutions.

For Respondent : Mr.C.M.Arumugam

O R D E R

The wife, who is facing proceedings for Restitution of Conjugal Rights before the Subordinate Court, Sivakasi, seeks transfer of the same to the Subordinate Court, Kovilpatti.

2.Transfer is sought for on the ground of convenience as well as inability on the part of the wife to travel to Sivakasi.

3. The request for transfer is opposed by the husband, contending that the distance between Sivakasi and kovilpatti is only 45 kms and since the proceedings are pending on the file of the Subordinate Court, the wife need not attend every hearing at Sivakasi.

4.The learned counsel appearing for the wife would contend that she will have to engage a counsel at Sivakasi. If the case is transferred to Kovilpatti, she could engage the services of her friends and relatives, who are willing to help her.

5.Mr.C.M.Arumugam, the learned counsel appearing for the respondent would suggest that the case may be transferred to a neutral venue, namely Sattur, where there is a Subordinate Court, which will be nearer to both Kovilpatti and Virudhunagar.

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6.Considering the overall circumstances, H.M.O.P No.97 of 2020 is withdrawn from the file of the Subordinate Court, Sivakasi and transferred to the Subordinate Court, Sattur. The Subordinate Court, Sivakasi is directed to transmit the papers to the Subordinate Court, Sattur, forthwith.

7.In view of the fact the wife claims that she has no means to support herself and meet litigations expenses, the husband is directed to pay a sum of Rs.10,000/- towards litigation expenses as a consolidated payment. The payment shall be made to the learned counsel for the petitioner on or before 14.03.2021. **Post the Transfer Civil Miscellaneous Petition on 15.03.2021, for compliance.**

8.Accordingly, this Transfer Civil Miscellaneous Petition is disposed of. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

To

1.The Subordinate Judge, Sivakasi

2.The Subordinate Judge, Sattur.

Copy to

The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.
(For reporting compliance on 14/03/2021)

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-6291[F] dated 19/02/2021)

Order made in
Tr.C.M.P(MD)No.308 of 2020
and
C.M.P(MD) No.6689 of 2020
18.02.2021

KM (02.03.2021) 2P 5C

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