



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

CORAM

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THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P (MD) No.329 of 2020
and
C.M.P (MD) No.7337 of 2020

Janani

... Petitioner/Respondent

-Vs-

Dineshraj

... Respondent / Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.67 of 2020, on the file of the Sub Court, Sankari, Salem District and transfer the same to the Family Court, Thanjavur.

For Petitioner : Mr.P.Vadivel
For Respondent : No appearance

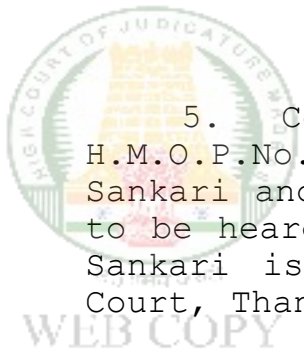
O R D E R

The wife, who is facing proceedings for Restitution of Conjugal Rights in H.M.O.P.No.67 of 2020, on the file of the Sub Court, Sankari, seeks transfer of the same to the Family Court, Thanjavur.

2. Despite service, the respondent/husband is not appearing either in person or through counsel, duly instructed.

3. Transfer is sought for only on the ground of convenience. The wife is a resident of Thanjavur. Even in the original petition, namely, H.M.O.P.No.67 of 2020, the wife is shown to be a resident of Thanjavur.

4. Considering the same, I find justification in the request made by the learned counsel for the petitioner to transfer the proceedings to the Court at Thanjavur. At the same time, this Court should also consider the convenience of the husband, who has launched the proceedings for Restitution of Conjugal Rights. Transfer to Family Court, Thanjavur would require the respondent/husband to attend every hearing in person, in view of the requirement under Family Courts Act.



5. Considering the convenience of both the parties, H.M.O.P.No.67 of 2020, is withdrawn from the file of the Sub Court, Sankari and transferred to the file Principal Sub Court, Thanjavur, to be heard and disposed of in accordance with law. The Sub Court, Sankari is directed to transmit the papers to the Principal Sub Court, Thanjavur forthwith.

6. 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 (AE)

// True Copy //

/ /2021

Sub Assistant Registrar

To

1. The Subordinate Judge, Sankari, Salem.
2. The Principal Subordinate Judge, Thanjavur.
3. The Record Keeper, V.R. Section, **(2 copies)**
Madurai Bench of Madras High Court, Madurai.

Order made in
Tr.C.M.P (MD) No.329 of 2020
and
C.M.P (MD) No.7337 of 2020
01.02.2021

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MS/27.02.2021/2P.5C