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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM

THE HON'BLE MS.JUSTICE P.T.ASHA

TR.C.M.P.NO.89 OF 2022

AND

C.M.P.NO.1701 OF 2022

Kalaimani

...Petitioner

Vs

Ashok Kumar

...Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to grant an order of withdrawal of H.M.O.P.No.61 of 2020 pending on the file of the Court of Subordinate Judge, Nagapattinam and transfer the same to any other Court which is suitable and having jurisdiction to try the case in Neyveli.

For Petitioner : Mr.V.Balamurugane

For Respondent : Served - No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw H.M.O.P.No.61 of 2020 from the file of the Subordinate Court, Nagapattinam and transfer the same to the file of the Subordinate Court, Neyveli.

2. The Petitioner/wife has filed H.M.O.P.No.60 of 2020 under Section 9 of the Hindu Marriage Act before the Subordinate Judge, Neyveli, for restitution of conjugal rights. The respondent-husband has also filed H.M.O.P.No.61 of 2020 under Section 13(1)(i-a) of the Hindu Marriage Act before the Subordinate Judge, Nagapattinam, for divorce.

3. Transfer is sought for by the petitioner-wife on the ground that that she is residing in Neyveli along with her two young children and her aged parents. It is her grievance that she finds it very difficult to travel from Neyveli to Nagapattinam District to attend the court hearings on regular basis.



4. Heard the learned counsel for the petitioner and perused the materials available on record. The respondent, though served, has not entered appearance.

5. Considering the reasons given and the fact that the wife is residing within the Jurisdiction of the Subordinate Court, Neyveli, this Court is of the considered view that the request for transfer should be allowed.

6. Accordingly, the transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.61 of 2020 pending on the file of the Subordinate Court, Nagapattinam shall withdrawn and transferred to the file of the Subordinate Court, Neyveli, to be tried along with H.M.O.P.No.60 of 2020. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

srn/ab

To

1.The Subordinate Judge,
Nagapattinam.

2.The Subordinate Court,
Neyveli.

3.The Section Officer,
V.R.Section,
High Court, Madras.

+1cc to Mr.V.Balamurugane, Advocate, S.R.No.16769

Tr.C.M.P.No.89 of 2022
and
C.M.P.No.1701 of 2022

MT(CO)
RVM(25/03/2022)