



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.C.M.P.No.181 of 2022

&

C.M.P.No.3611 of 2022

B.Sathyamani

... Petitioner/Respondent

Vs

K.Dhayanithi

... Respondent/ Petitioner

Prayer: Petition is filed under Section 24 of the Code of Civil Procedure to transfer H.M.O.P.No.72 of 2021 pending on the file of the Subordinate Court, Rasipuram, Namakkal District to the Subordinate Court, Attur, Salem.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.T.Sezhian

ORDER

The above petition is filed by the petitioner wife seeking transfer of H.M.O.P.No.72 of 2021, filed by the husband seeking divorce on the file of the Subordinate Court, Rasipuram, Namakkal to the file of the Subordinate Court, Attur, Salem.

2.The petitioner would submit that she has filed H.M.O.P.No.132 of 2021 for restitution of conjugal rights on the file of the Subordinate Court, Attur. The petitioner would state that due to her ill health she cannot travel to Rasipuram, Namakkal to attend the hearing. The petitioner would further submit that the respondent's family is frequently threatening her. Therefore, she has come forward with the present petition seeking transfer of the petition filed by the husband.

3.The learned counsel for the respondent has filed a counter stating that the petition for restitution of conjugal rights has been filed as a counter blast to the petition for divorce filed by the husband in H.M.O.P.No.72 of 2021 and to obtain a transfer from this Court.

4.Heard the learned counsel and perused the records.



5. Admittedly, the petition for restitution of conjugal rights has been filed by the wife on the file of the Subordinate Court, Attur, Salem. However, the petition for transfer has been filed not only on the grounds of the filing of her petition for conjugal rights before the Subordinate Court, Attur, but also on the grounds of her ill health and a perceived threat by the respondent's family, which however has not been substantiated.

6. However, considering the fact that the petitioner is residing at D.No.3/322, SKT Thottam, Near Perumal Koil, Valasakkalpatti, 74 Krishnapuram Post, Gangavalli Taluk, Salem, which falls within the Jurisdiction of the Subordinate Court, Attur, the proceedings in H.M.O.P.No.72 of 2021 is withdrawn from the file of the Subordinate Court, Rasipuram, Namakkal and transferred to the file of the Subordinate Court, Attur, Salem.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge,
Attur.

2. The Subordinate Judge, Rasipuram,
Namakkal.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.24460

+1cc to Mr.R.Meenal, Advocate, S.R.No.24682

Tr.C.M.P.No.181 of 2022

MG (CO)
CT 06/05/2022