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Tr.C.M.P.No.644 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S. KANNAMMAL

Tr.C.M.P.No.644 of 2021
and
C.M.P.No.16170 of 2021

M.Geetha

... Petitioner

Versus

M.Muthuganesh

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.340 of 2021 pending on the file of the Family Court, Thiruppur and transfer the same to the Family Court, Ariyalur.

For Petitioner : Mr.V.Illancheizian

For Respondent : M/s.S.Kanimozhi Mathi



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ORDER

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The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.340 of 2021 pending on the file of the Family Court, Thiruppur and transfer the same to the Family Court, Ariyalur.

2.The respondent/husband has filed H.M.O.P.No.340 of 2021 before the Family Court, Thiruppur, for restitution of conjugal rights.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing with her aged parents at Ariyalur District. Moreover, she is depending on her aged parents and the petitioner being a lady, it is very difficult for her to travel from Ariyalur to Thiruppur for attending the Court on every hearing. Therefore, she seeks to transfer the case from Thiruppur to Ariyalur.

4.The learned counsel for the respondent/husband has strongly opposed to transfer the case from the Family Court, Thiruppur to the file of the Family Court, Ariyalur.



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WEB COPY 5. Heard the learned counsel on either side and perused the materials placed on record.

6. Considering the facts and circumstances of the case and the submissions made by both the counsel, this Court is inclined to transfer the case to the file of the Family Court, Ariyalur.

7. Accordingly, H.M.O.P.No.340 of 2021 is withdrawn from the file of the Family Court, Thiruppur and transferred to the file of the Family Court, Ariyalur, for disposal as per law. The Family Court, Thiruppur, is directed to transmit the papers to the file of the Family Court, Ariyalur within a period of six weeks from the date of receipt of a copy of this order. The learned Judge, Family Court, Ariyalur is directed to dispose of the case in H.M.O.P.No.340 of 2021 on merits and in accordance with law as expeditiously as possible. This Court deems it appropriate to direct the learned Judge, Family Court, Ariyalur not to insist upon the personal appearance of the respondent/husband except during the enquiry stage or any day, when his personal appearance is required.



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S.KANNAMMAL, J.,

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8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes / No
Index : Yes / No
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To:

1. The Judge,
Family Court,
Thiruppur.
2. The Judge,
Family Court,
Ariyalur.

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