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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.799 of 2021
and
C.M.P.No.18581 of 2021

J.Anushka

... Petitioner

Vs

N. Regunath

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the petition for Restitution of Conjugal rights in HMOP No.74 of 2021 from the file of the District Family court, Karur transfer the same to the Sub Court, Thiruvarur to be tried along with the HMOP No.94 of 2020 pending for divorce and pass such further or other orders that this Honble Court.

For Petitioner : Mr. V.Chandrasekaran

For Respondent : M/s P.Vidhya Shree

ORDER

The respondent/wife in a petition for restitution of conjugal rights filed by the husband on the file of the District Family Court at Karur is the petitioner before this Court. The petitioner seeks to withdraw HMOP No.74 of 2021 pending on the file of the District Family Court at Karur and transfer the same to the file of the Sub Court at Thiruvarur, to be tried along with HMOP No.94 of 2020.

2. The reasons for seeking transfer are as follows:

The petitioner herein has filed a petition for divorce in HMOP No.94 of 2020 which is pending on the file of the Sub Court, Thiruvarur. The petitioner would further submit that the distance between her native place and the Family Court Karur is about 400 kilometers and it is very tedious for her to travel



such a long distance for every hearing. Further, she would also submit that District Family Court, Karur does not have any jurisdiction to entertain the petition in view of the pendency of the HMOP No.94 of 2020, Sub-judice on the file of the Sub-Court, Thiruvavarur.

3. The respondent has entered appearance through counsel. However there is no serious objections put forth by the counsel.

4. Heard the learned counsels.

5. Considering the fact that the distance between the petitioner's native place and the District Family Court, Karur is 400 kilometers and since the respondent has not been maintaining her, her request for transfer appears reasonable and also no prejudice would be caused to the respondent/husband since the matter is only before the Sub-Court where the presence of party for every hearing is not mandatory.

6. In view of the above, the Transfer Civil Miscellaneous Petition is allowed and HMOP No.74 of 2021, pending on the file of the District Family Court at Karur is withdrawn and transferred to the file of the Sub Court, Thiruvavarur to be tried along with H.M.O.P.No.94 of 2020. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The District Family Court,
Karur.

2.The Subordinate Court,
Thiruvavarur.

+1cc to M/s.P.T.Ramadevi, Advocate SR. No. 20508

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MT (CO)
PR (28/04/2022)