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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P.No.796 of 2021

And

C.M.P.No. 18573 of 2021

K.Arthi @ Archana

... Petitioner/Respondent

Vs.

B.Varadharajan

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw the H.M.O.P.No. 202 of 2019 pending on the file of Principal Subordinate Court, Mayiladuthurai and to transfer the same to the file of Family Court, Chennai.

For Petitioner : Mr. P.Jagadeesan

O R D E R

The petitioner/wife seeks transfer of H.M.O.P.No. 202 of 2019 filed by the husband seeking restitution of conjugal rights on the file of Principal Sub-Court, Mayiladuthurai to the file of Family Court, Chennai, on the ground that she is now residing at Kathivakkam near Chennai.

2. According to her, she was living along with her mother in Mannarkudi and since her mother left Mannarkudi to stay with her brother in Malaysia, she could not stay alone at Mannarkudi and she is now residing with her sister at Kathivakkam. Claiming that it is very difficult for her to travel Sub-Court, Mayiladuthurai for every hearing in H.M.O.P.No. 202 of 2019 she seeks transfer to the same to the file of Family Court, Chennai.

3. Though served, the respondent is not appearing either in person or through counsel duly instructed.

4. If transfer is ordered on the basis of the convenience



of the wife to the Family Court at Chennai, the husband will be put to hardship as he would be required to travel to Chennai for every hearing from Mayiladuthurai, which is admittedly about 275 kilo-meters from Chennai.

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5. Taking into consideration, the convenience of both the parties, I am of the opinion that it will be in the interest of the parties to transfer to Sub Court, near Chennai to enable the husband to appear through counsel for non essential hearings.

6. In view of the above, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No. 202 of 2019 is withdrawn from the file of Principal Sub-Court, Mayiladuthurai and transferred to the Sub- Court, Ponneri to be disposed of in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vsg

To

1. Sub Court,
Ponneri.
2. Principal Subordinate Court,
Mayiladuthurai.

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PCH (CO)
SU (08/02/2022)