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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

Tr.C.M.P.No.864 of 2021
and
C.M.P.No.19417 of 2021

K.S.Ajantha

... Petitioner/Respondent

-Vs-

V. Rajaram

... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.978 of 2021 on the file of Family Court, Madurai and transfer it to the file of the Sub Court, Neyveli to be heard along with H.M.O.P.No.50 of 2021, pending on its file.

For Petitioner : Mr.V.Rajesh Babu

For Respondent : Mr.K. Kesavan
for M/s.Right Law Associates

ORDER

The wife has filed the above Transfer Civil Miscellaneous Petition seeking transfer of H.M.O.P.No.978 of 2021 pending on the file of the Family Court, Madurai, filed by the husband for restitution of conjugal rights, to the file of the Sub Court, Neyveli, to be tried along with H.M.O.P.No.50 of 2021.

2.The petitioner would submit that marriage between herself and the respondent had been solemnized on 15.11.2015 at Guru Krishna Mahal, Palanganatham, Madurai, as per Hindu rites and customs. Out the wedlock, they had one male child by name A.R.Vivinprithiva born on 06.07.2017. Thereafter, the respondent started his cruelty against the petitioner and assaulted the petitioner without any reason. On 20.09.2021, the



petitioner issued a Legal Notice to the respondent for mutual divorce. Since he did not consent for the same the petitioner had filed H.M.O.P.No.50 of 2021 on the file of the Subordinate Court, Neyveli.

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3.The reasons for seeking the transfer are as follows:

1.The petitioner is staying with her parents in Neyveli and she has four year old child to take care.

2.The distance between Neyveli and Madurai is too far and she cannot travel each time to attend the hearings. Further, the petitioner has no one to accompany her to the Family Court, Madurai or to support her financially.

4.The learned counsel for the respondent vehemently opposed the transfer on the ground that the matter is pending before the Family Court, Madurai.

5.Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the papers.

Considering the above reasons and also taking note of the fact that the petitioner is residing at Neyveli with her parents and she has four year old child and if the petitioner has to travel to Madurai even to adduce evidence it would involve heavy expenditure and the petitioner cannot travel alone. Further, the petitioner has also filed a petition for divorce. Therefore, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.978 of 2021 pending on the file of the Family Court, Madurai, is withdrawn and transferred to the file of the Subordinate Court, Neyveli, to be heard along with H.M.O.P.No.50 of 2021. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mps



To

1. The Judge,
The Family Court,
Madurai.

2. The Subordinate Judge,
Neyveli.

+1cc to Mr.V.Rajesh Babu, Advocate, S.R.No.18522

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SKM(CO)
SU(19/05/2022)