



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM

THE HON'BLE Ms.JUSTICE P.T.ASHA

Tr.C.M.P.No.877 of 2021
and
C.M.P.No.19650 of 2021

Muthulakshmi

... Petitioner

-Vs-

S.Vijayaprabhu

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw F.C.H.M.O.P.No.151 of 2021 on the file of the Family Court, Ariyalur and transfer the same to the file of the Sub Court, Mayiladuthurai to be tried along with H.M.O.P.No.164 of 2021, having competent jurisdiction.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Not ready in Notice

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw F.C.H.M.O.P.No.151 of 2021 pending on the file of the Family Court, Ariyalur and transfer the same to the file of the Sub-Court, Mayiladuthurai, to be along with H.M.O.P.No.164 of 2021.

2. The petitioner-wife has filed H.M.O.P.No.164 of 2021 under Section 13(1)(i-a) and (i-b) of the Hindu Marriage Act before the Sub Court, Mayiladuthurai, for divorce. The respondent-husband has also filed F.C.H.M.O.P.No.151 of 2021 under Section 9 of the the Hindu Marriage Act before the Family Court, Ariyalur, for restitution of conjugal rights.

3. It is stated by the petitioner that she is residing in Mayiladuthurai along with her two children. It is her grievance that her children are small kids and her presence is needed for them. It would be very difficult for her to travel from Mayiladuthurai to Ariyalur, which is nearly 101 kms away from



her place of residence, as she has to spend the whole day for the hearing at Ariyalur. Further, she cannot travel alone without a person accompanying him. Hence, she sought for transfer.

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4. Heard the learned counsel for the petitioner and perused the materials available on record. Notice sent to the respondent through Court as well as privately is returned "unclaimed". Even today, there is no representation for the respondent either in person or through counsel.

5. Considering submissions made by the learned counsel for the petitioner, this Court is inclined to transfer F.C.H.M.O.P.No.151 of 2021 pending on the file of the Family Court, Ariyalur to the file of the Sub Court, Mayiladuthurai to be tried along with H.M.O.P.No.164 of 2021.

6. Accordingly, the transfer Civil Miscellaneous Petition is allowed. F.C.H.M.O.P.No.151 of 2021 pending on the file of the Family Court, Ariyalur shall withdrawn and transferred to the file of the Sub Court, Mayiladuthurai to be tried along with H.M.O.P.No.164 of 2021. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Judge, Family Court,
Ariyalur
2. The Subordinate Judge,
Mayiladuthurai

Copy to:

The Section Officer,
V.R.Section,
High Court, Madras

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.16016

Tr.C.M.P.No877 of 2021
and C.M.P.No.19650 of 2021

KK (CO)
SU(24/03/2022)