



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2012

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

TR.C.M.P. (MD) No.244 of 2011

and

M.P. (MD) .No.1 of 2011

S.Usha : Petitioner/Respondent in HMOP

Vs.

N.Selvaraj : Respondent/Petitioner in HMOP

Prayer : Petition filed under Section 24 read with Section 151 of the Civil Procedure Code, to withdraw the H.M.O.P.No.195/2011 on the file of the Principal Sub Court, Thanjavur, Thanjavur District, and transfer the same to Sub Court, Sankarankovil, Tirunelveli District.

For Petitioner : Mr.K.Prabhu

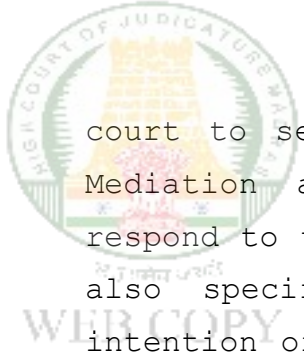
For Respondent : Mr.A.D.Ganeshamurthy

ORDER

The present Transfer Civil Miscellaneous Petition has been filed seeking to transfer the H.M.O.P.No.195/2011 from the file of the Principal Sub Court, Thanjavur, Thanjavur District, to the file of the Sub Court, Sankarankovil, Tirunelveli District.

2. The marriage between the petitioner and the respondent was solemnized on 12.11.2010 at Arulmigu Sri Senbagavalliamman Kovil, Kovilpatti. After the marriage, when they were living happily, due to some domestic issues, the relationship between them got strained. Therefore, the petitioner came to her parents' house and started living. In view of that, the respondent has filed H.M.O.P.No.195/2011 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights on the file of the Principal Sub Court, Thanjavur. After receipt of notice in the said H.M.O.P., the petitioner has filed the present Transfer Civil Miscellaneous Petition seeking to transfer the H.M.O.P.No.195/2011 to the file of the Sub Court, Sankarankovil, Tirunelveli District.

3. Learned counsel for the respondent/husband would submit that during the pendency of this petition, on the suggestion made by this



court to settle the matter amicably, the matter was placed before the Mediation and Conciliation Centre, but the petitioner/wife did not respond to the request of the respondent/husband for reunion. This court also specifically asked the counsel for the petitioner about the intention of the petitioner to join with the respondent. The answer was in the negative. When the respondent/husband filed a petition under section 9 of the Hindu Marriage Act for restitution of conjugal rights, and when the petitioner/wife is not willing to go and join with her husband, no useful purpose will be served by transferring H.M.O.P.No.195/2011 from the file of the Principal Sub Court, Thanjavur, Thanjavur District, to the file of the Sub Court, Sankarankovil, Tirunelveli District. Hence, this Transfer Civil Miscellaneous Petition is dismissed. M.P.(MD).No.1 of 2011 is closed. No costs.

Sd/-
Deputy Registrar

/TRUE COPY/

Assistant Registrar

To

- 1)Principal Sub Judge, Thanjavur, Thanjavur District.
 - 2)Sub Judge, Sankarankovil, Tirunelveli District.
- +1 CC to Mr. A.D. Ganeshamurthy, Advocate in SR.No.43305/12.

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PKS/08.01.2013/2P/4C

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and
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