



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

TR CMP(MD)No.309 of 2021

N.Pandiya Harini

... Petitioner/Respondent

Vs

R.Balamurali

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to transfer the case in H.M.O.P.No.16 of 2020 on the file of the Sub Court, Tirumangalam, to the file of the Sub Court, Dindigul.

For Petitioner : Mr.M.Sheik Abdullah
For Respondent : Mr.J.Alaguram Jothi

ORDER

This Transfer Civil Miscellaneous Petition is filed to transfer the proceedings in H.M.O.P.No.16 of 2020 from the file of the Sub Court, Thirumangalam to the file of the Sub Court, Dindigul.

2.Learned Counsel for the petitioner submits that the petitioner and the respondent are wife and husband. Their marriage was solemnized on 18.10.2012. After marriage, both of them lived happily for some time and they were blessed with a girl child. Thereafter, the respondent harassed the petitioner and demanded more dowry. He never took care of the petitioner or their daughter, but has created unnecessary problems by consuming liquor. The petitioner and her daughter were driven to their parental home and therefore, she has filed a petition for divorce before the Sub Court, Dindigul, in H.M.O.P.No.32 of 2020. The same is pending consideration and on receipt of the summons, the respondent has filed a petition for restitution of conjugal rights before the Sub Court, Thirumangalam, in H.M.O.P.No.16 of 2020.

3.Learned Counsel further submitted that the petitioner is a native of Batlagundu and she is residing there with her daughter and parents. She has already filed a petition for divorce before the Sub Court, Dindigul and the same is pending consideration. Therefore, he prays for transferring this petition for conjugal rights before the Sub Court, Dindigul, as well, so that they can be tried together.



4.Learned Counsel for the respondent has no serious objection to transfer the proceedings from the Sub Court, Thirumangalam to the Sub Court, Dindigul.

5.Heard the learned Counsel on either side and perused the materials placed on record.

6.According to the learned Counsel for the petitioner, the petitioner is residing in Batlagundu with her young daughter and the fact remains that already the petitioner has filed a petition for divorce in H.M.O.P.No.32 of 2020 before the Sub Court, Dindigul and the same is pending consideration. Considering the above and also considering the no objection shown by the respondent's Counsel, this Court is inclined to allow the present petition.

7.In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.16 of 2020 from the file of the Sub Court, Thirumangalam is withdrawn and transferred to the file of the Sub Court, Dindigul. The learned Subordinate Judge, Thirumangalam is directed to send the entire case records in H.M.O.P.No.16 of 2020 within a period of fifteen days from the date of receipt of a copy of this order to the learned Subordinate Judge, Dindigul, who in turn shall dispose of the same as expeditiously as possible. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

gk

To

1.The Subordinate Judge,
Thirumangalam.

2.The Subordinate Judge,
Dindigul.

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