



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2022

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Tr.C.M.P (MD).No.414 of 2021

and

C.M.P (MD)No.8080 of 2021

Preethi

...Petitioner/ Respondent

Vs.

Tamil Selvan

...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, 1908 to withdraw the H.M.O.P. No.101 of 2019 on the file of the Sub Court, Ponneri, Thiruvallur District and transfer the same to the file of the Sub Court at Aruppukottai, Virudhunagar District for having joint trial along with H.M.O.P.No.160 of 2021.

For Petitioner : Mr.Kannan
for Mr.S.Loganathan

For Respondent : No Appearance

O R D E R

This Petition is filed to withdraw the case in H.M.O.P. No.101 of 2019 on the file of the Sub Court, Ponneri, Thiruvallur District and transfer the same to the file of the Sub Court, Aruppukottai, Virudhunagar District to be tried along with the H.M.O.P.No.160 of 2021.

2.The learned counsel for the petitioner submitted that H.M.O.P.No.101 of 2019 was filed by the respondent/husband, for divorce before the Sub Court, Ponneri, Thiruvallur District and H.M.O.P.No.160 of 2021 was filed by the petitioner/wife, for restitution of conjugal rights before the Sub Court at Aruppukottai, Virudhunagar District. Since she is residing at Aruppukottai, she cannot go to Ponneri Taluk, Thiruvallur District to attend the Court hearings. Hence, she seeks to transfer the case as prayed for.

3.Heard Mr.Kannan for Mr.S.Loganathan, learned counsel for the petitioner. No representation for the respondent. Already



sufficient time has been given to the respondent, but counter has not been filed on the side of the respondent.

4.Considering the facts and circumstances of the case and also considering the submission made the learned counsel for the petitioner, H.M.O.P.No.101 of 2019 is ordered to be withdrawn from the file of Sub Court, Ponneri, Thiruvallur District and transferred to the file of Sub Court, Aruppukottai, Virudhunagar District. The Sub Court, Ponneri, Thiruvallur District, is directed to transmit the papers to the file of the Sub Court, Aruppukottai, Virudhunagar District, forthwith. On receipt of records, the learned Sub Judge, Aruppukottai, Virudhunagar District is directed to dispose H.M.O.P.No.101 of 2019 along with H.M.O.P.No.160 of 2021 as per law as expeditiously as possible.

5.In the result, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Subordinate Judge,
Ponneri, Thiruvallur District.

2.The Subordinate Judge,
Aruppukottai,
Virudhunagar District.

+1 CC to M/s.S.LOGANATHAN, Advocate (SR-8657[F] dated 25/02/2022)

Tr.C.M.P (MD) .No.414 of 2021

and

C.M.P (MD) No.8080 of 2021

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