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Tr.CRP No.177 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Tr.C.M.P. No. 177 of 2023

and

C.M.P.No. 3969 of 2023

T.Aruna

... Petitioner

Versus

K. Harikrishnan

...Respondent

Transfer Civil Miscellaneous Petition filed Under Section 24 of Civil Procedure Code, praying to withdraw the H.M.O.P.No. 1 of 2023 on the file of the Principal Sub Court, Myladudurai and transfer the same to the file of Principal Sub Court, Nagapattinam and try the same along with H.M.O.P.SR.No. 12 of 2023 on the file of Family Court, at Nagapattinam for restitution of conjugal rights filed by the petitioner.

For Petitioner : Mr. K.J.Sivakumar

For Respondents : Mr. B.Jawahar

ORDER

The petitioner/wife seeks transfer of H.M.O.P.No.1 of 2023 pending on the file of the Principal Sub Court, Myladudurai to the Principal Sub Court, Nagapattinam. The petitioner /wife seeks transfer of the proceedings before the Family Court, Nagapattinam on the ground that she is living at



Tr.CRP No.177 of 2023

Nagapattinam in her parental home with her child and she is not able to attend the Court hearings by travelling 90 kms from Myladudurai to Nagapattinam.

2. The learned counsel for the petitioner submitted that, the marriage between the respondent and the petitioner was solemnized on 15.05.2016 as per Hindu rites and customs. Due to misunderstanding the respondent had filed a H.M.O.P.No.1 of 2023 for divorce, which is pending on the file of the Principal Sub Court, Mayiladuthurai. The petitioner has filed H.M.O.P.(SR).No.12 of 2023 for restitution of conjugal rights on the file of the Family Court, Nagapattinam. Now the petitioner is residing at Nagapattinam with her child in her parental home without any source of income. Hence, she prays to transfer the HMOP.No.1 of 2023 to the Principal Sub Court, Nagapattinam.

3. Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the HMOP.No.1 of 2023 to the Family Court, Nagapattinam, for joint trial along with H.M.O.P.(SR).No.12 of 2023.

4. In view of the above, HMOP.No.1 of 2023 is withdrawn from the file



Tr.CRP No.177 of 2023

of the Principal Sub Court, Mayiladuthurai and transferred to the file of the Family Court, Nagapattinam. The learned Principal Sub Judge, Mayiladuthurai is directed to send entire records to the learned Family Judge, Nagapattinam, within a period of two weeks from the date of receipt of a copy of this order, for joint trial along with H.M.O.P.(SR).No.12 of 2023.

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

6. Both the parties are directed to co-operate for the trial proceedings. The appearance of the petitioner is ordered to be dispensed with and also directed to appear before the trial Court if her appearance is necessary.

22.12.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No

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Tr.CRP No.177 of 2023

T.V.THAMILSELVI, J.

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To

1. The Principal Sub Court,
Myladuthurai
2. The Family Court,
Nagapattinam
3. The Section Officer,
VR-Section, High Court of Madras.

Tr. C.M.P. No. 177 of 2023
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