



Tr.CMP.No. 334 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

Tr.C.M.P. No. 334 of 2023

and

C.M.P. No. 7470 of 2023

Ojaswini B.

.. Petitioner

Versus

Premswaroop A.

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P. No. 138 of 2022 pending on the file of the Sub Court, Chidambaram, and to transfer the same to the Family Court, Chennai.

For Petitioner

: Mr. K. Nagarajan

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**ORDER**

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P. No.138 of 2022 pending before the Sub Court, Chidambaram, and to transfer the same to the Family Court, Chennai.



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2. The marriage between the petitioner/wife and the respondent/husband was solemnized on 19.02.2018. The respondent/husband filed a petition for Restitution of Conjugal rights in H.M.O.P. No. 138 of 2022 on the file of Sub Court, Chidambaram under Section 9 of the Hindu Marriage Act, 1955. It is stated by the learned counsel for the petitioner that the petitioner is not working anywhere and residing at Kotturpuram, Chennai, with her 5 year old son. Her aged parents are residing at Chennai.

3. The learned counsel for the petitioner submitted that the petitioner who has no support from her family, is unable to attend the hearings of the case along with her minor son. Since the distance between Chidambaram and Chennai is more than 300 Kms, the petitioner seeks withdrawal and transfer the case from the file of Sub Court, Chidambaram to the Family Court, Chennai, mainly on the ground of convenience of the petitioner/wife.



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4. The learned counsel appearing for the respondent states that the respondent has no objection in transferring the case from Sub Court, Chidambaram, to the Family Court, Chennai and the respondent/husband also residing at Chennai. He seeks a direction from this Court for early disposal of the cases.

5. In a petition filed by the husband for restitution of conjugal rights, the convenience of the wife is relevant, without going into the allegations made by the parties in this petition, this Court is inclined to allow this petition. Accordingly, H.M.O.P. No.138 of 2022 pending on the file of Sub Court, Chidambaram, is hereby withdrawn and transferred to the Family Court, Chennai. The Family Court, Chennai, is directed to commence the proceedings and dispose of the same as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.



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6. This Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**12.07.2023**

Index:Yes/No

Speaking order : Yes/No

Neutral Citation : Yes/No

MSM

To

1.The Sun Court, Chidambaram.

2.The Family Court, Chennai.



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**V.BHAVANI SUBBAROYAN, J.**

MSM

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