



Tr.C.M.P.No. 700 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No.700 of 2023

and

C.M.P.No.16994 of 2023

K.Kalaichelvi
D/o.E.Kalaiganan

... Petitioner

Versus

A.Arul Swaminathan
S/o.K.Angamuthu

... Respondent

PRAYER :

Transfer Civil Miscellaneous Petition was filed under Sec.24 of Civil Procedure Code, praying to withdraw H.M.O.P.No.86 of 2021 pending on the file of Sub Court, Madurai and transfer to the file of Sub Court, Kallakurichi.

For Petitioner : Mrs.A.Rajeswari



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ORDER

WEB COPY This petition has been preferred to withdraw H.M.O.P.No.86 of 2021 pending on the file of the Sub Court, Madurai and transfer the same to the file of the Sub Court, Kallakurichi.

2. Heard the learned counsel for the petitioner and perused the materials available on record. Even though notice has been served on the sole respondent and his name is printed in the cause list, none appeared on his behalf.

3. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 11.05.2005 at Sengunthar Thirumana Mandapan, Chinnasalem, Kallakurichi District. As there were no issues, the petitioner was ill-treated by the respondent and his family members. Thereafter, the petitioner came to know the fact that the respondent is having an extramarital affair and is living in a separate house at Coimbatore. Thereafter, the petitioner lodged a complaint before All Women Police Station, Kallakurichi vide CSR No.285



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of 2019. The respondent filed a petition seeking divorce vide H.M.O.P.No.46 of 2014 before the Sub-Court, Kallakurichi and the petitioner also contested the same. Later, the respondent with an intention of grabbing the properties and jewels from the petitioner, came for a compromise and withdrawn the divorce petition and started living with the petitioner. Again the respondent filed a petition seeking divorce vide H.M.O.P.No.86 of 2021 before the Sub-Court, Madurai. Hence, the petitioner herein preferred the present petition to withdraw H.M.O.P.No.86 of 2021 pending on the file of Sub Court, Madurai and transfer the same to the Sub Court, Kallakurichi.

4. Considering the fact that the petitioner is residing in Kallakurichi with her aged parents and she is not able to travel from Kallakurichi to Madurai for attending Court hearings, this Court finds that the reason assigned by the petitioner for transfer of H.M.O.P.No.86 of 2021 is justifiable. Hence, this Court is inclined to transfer the proceeding in H.M.O.P.No.86 of 2021 pending on the file of the Sub Court, Madurai to Sub Court, Kallakurichi.



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WEB COPY 5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed.

The petition in H.M.O.P.No.86 of 2021 filed by the respondent/husband is ordered to be withdrawn from the file of the Sub Court, Madurai and transferred to the file of the Sub Court, Kallakurichi. The learned Sub-Judge, Madurai is directed to transmit all the records pertaining to H.M.O.P.No.86 of 2021 to the file of the Sub Court, Kallakurichi within a period of two weeks from the date of receipt of a copy of this order. However, the learned Sub-Judge, Kallakurichi is directed to issue notice to the respondent and dispose of the case as early as possible in the manner known to law. Consequently, connected miscellaneous petition is closed. No costs.

20.10.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
mk



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To

WEB COPY

1. The Sub-Judge,
Sub-Court,
Madurai.
2. The Sub-Judge,
Sub-Court,
Kallakurichi.



WEB COPY



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T.V.THAMILSELVI, J.

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