



Tr.C.M.P.No.747 of 2023
and C.M.P.No.18141 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No. 747 of 2023
and
C.M.P.No.18141 of 2023

K.Kokila

... Petitioner

Vs.

Gunasekaran

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., praying to withdraw the H.M.O.P.No.94 of 2023 pending on the file of Principal Sub Court, Kallakurichi and transfer the same tried along with H.M.O.P.No.138 of 2023 to the file of Sub-Court, Perambalur

For Petitioner : Mr.K.Sanjayan

For Respondent :Mr.K.Vijaya Raghavan



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ORDER

The petitioner/wife seeks transfer of H.M.O.P.No.94 of 2023 pending on the file of Principal Sub Court, Kallakurichi to the file of Sub-Court, Perambalur. The petitioner / wife seeks transfer of the proceedings before the Sub-Court, Perambalur on the ground that she is living at Perambalur with female twin children and she is not able to attend the court hearings by traveling 180 kms from Perambalur.

2. The learned counsel for the petitioner submitted that the marriage between the respondent and the petitioner was solemnized on 07.07.2014 at Sri Sivan Kovil at Kuspa Chinnasalem Taluk, Kallakurichi District as per Hindu Rites and Customs, out of the wedlock, female twin children were born to them. He further submitted that the respondent/husband has filed a divorce petition in H.M.O.P.No.94 of 2023 before the Principal Sub-Court, Kallakurichi which is 180 kilometers away from her residence. Thereafter, the petitioner has filed a petition for restitution of conjugal rights in H.M.O.P.No.138 of 2023 before the Principal Sub-Court, Perambalur. The



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petitioner along with her female twin children is residing at her parents house in Perambalur. As a lady, the petitioner finds it difficult to undertake long travel to Kallakurichi to attend the Court proceedings. Hence, the petitioner has filed this TR.C.M.P.No.747 of 2023 to withdraw and transfer the H.M.O.P.No.94 of 2023 from the file of Principal Sub Court, Kallakurichi to the file of Sub-Court, Perambalur.

3. Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the H.M.O.P.No.94 of 2023 to the Sub-Court, Perambalur.

4. In view of the above, H.M.O.P.No.94 of 2023 is withdrawn from the file of the Principal Sub Court, Kallakurichi and transferred to the file of Sub-Court, Perambalur to be disposed of in accordance with law and the learned Principal Sub-Judge, Kallakurichi is directed to send entire records to the learned Sub-Judge, Perambalur, within a period of two weeks from the date of receipt of a copy of this order.



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T.V.THAMILSELVI, J.

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5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

6. However, the learned Sub-Judge, Perambalur is directed to issue notice to the respondent and dispose of the case as early as possible, preferably within a period of six months from the date of this order.

20.11.2023

Index : Yes / No

Neutral Citation: Yes / No

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To

1. The Principal Sub Court, Kallakurichi.
2. The Sub-Court, Perambalur.

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