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Tr.C.M.P.No.788 of 2023
and CMP.No.19065 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2023

CORAM:

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

Tr.C.M.P.No.788 of 2023

and

CMP.No.19065 of 2023

Vidhya

... Petitioner

Vs.

Karthick

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 151 of C.P.C., praying to withdraw the H.M.O.P.No. 94 of 2023 pending on the file of the Subordinate Court, Bhavani and transfer the same to the file of the Family Court, Salem.

For Petitioner

: Mr. J. Hariharan



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ORDER

The petitioner/wife seeks transfer of H.M.O.P.No.94 of 2023 pending on the file of the Subordinate Court, Bhavani to the Family Court, Salem. The petitioner /wife seeks transfer of the proceedings before the Family Court, Salem on the ground that she is living at Salem in her parental home without any source of income and she is not able to attend the court hearings by travelling 67 kms from Bhavani to Salem.

2. The learned counsel for the petitioner submitted that, the marriage between the respondent and the petitioner was solemnized on 24.10.2021 at K.M.B.Mahal, Beththrayan Thottam, Kadayampatty, Bhavani as per Hindu rites and customs. Due to matrimonial dispute the petitioner has filed H.M.O.P.No.426 of 2023 on the file of the Family Court, Salem under Section 13(1)(ia) of the Hindu Marriage Act to dissolve the marriage. The respondent had also filed HMOP.No.94 of 2023 before the learned Subordinate Judge, Bhavani for restitution of conjugal rights. Now the



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petitioner is residing at Salem in her parental home without any source of income. Hence, she prays to transfer the H.M.O.P.No.94 of 2023 to the Family Court, Salem.

3. Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the HMOP.No.94 of 2023 to the Family Court, Salem for joint trial along with H.M.O.P.No.426 of 2023.

4. In view of the above, H.M.O.P.No. 94 of 2023 is withdrawn from the file of the Subordinate Court, Bhavani and transferred to the file of the Family Court, Salem. The learned Subordinate Judge, Bhavani is directed to send entire records to the learned Family Judge, Salem, 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.No.426 of 2023.

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



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T.V.THAMILSELVI, J.

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6. However, the learned Family Judge, Salem. is directed to issue notice to the respondent and dispose of the case as early as possible, from the date of receipt of a copy of this order.

02.11.2023

Index : Yes / No

Neutral Citation: Yes / No

Speaking/Non-speaking order

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To

1. The Subordinate Court, Bhavani.
2. The Family Court, Salem.

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