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Tr.C.M.P.No.922 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2023

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.922 of 2023
and
C.M.P.No.22017 of 2023

J. Narandran

... Petitioner

Vs.

A. Sathya

... Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 to withdraw the HMOP. No. 407 of 2023 on the file of the Family Court, Tiruppur and transfer the same to the Sub-Court Avinashi to try it along with HMOP No.113 of 2023 and pass orders.

For Petitioner : Mr. K.Indupriya

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to to withdraw the HMOP. No. 407 of 2023 on the file of the Family Court, Tiruppur and transfer the same to the Sub-Court Avinashi to try it along with HMOP No.113 of 2023.



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2. The case of the petitioner is that the marriage between the petitioner and the respondent was solemnized on 04.12.2016 at Somasundaram Thirumanamandapam, Tirupur as per Hindu rites and customs and out of the said wedlock a male child was born to them. The respondent herein was not a dutiful wife and she is not willing to have a cordial relationship with the family members and not interested to lead a peaceful family life. Hence, the petitioner filed H.M.O.P.No.64 of 2022 on the file of Sub Court, Perundurai under section 13(1)(i)(a) of the Hindu Marriage Act for divorce. The respondent herein filed a maintenance case in M.C.No.16 of 2023 before the Family Court, Tiruppur. Subsequently the respondent filed Tr.C.M.P.No.254 of 2023 before this Court to transfer the H.M.O.P.No.64 of 2022 from the file of Sub Court, Perundurai to try along with M.C.No.16 of 2023 before the Family Court, Tiruppur and the same was allowed. **Thereafter, the case was transferred to the file of Sub Court, Avinashi and numbered as HMOP No.113 of 2023.** When this being the case, the respondent herein has filed a petition for restitution of conjugal rights in HMOP No.407 of 2023 on the file of Family Court, Tiruppur. Hence, the petitioner has come forward with this petition to withdraw the HMOP. No. 407 of 2023 on the file of the Family Court,



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Tiruppur and transfer the same to the Sub-Court Avinashi to try it along with HMOP No.113 of 2023.

3.The learned counsel for the petitioner submitted that the father of the petitioner is a politically influential person and he is facing life threat to attend the Court proceedings in Family Court, Tiruppur. If the case is transferred, no prejudice would be caused to the respondent.

4.Heard the learned counsel for the petitioner and perused the materials available on record.

5.In view of the above submission made by the learned counsel appearing for the petitioner and considering the facts and circumstances of the case and taking note of the fact that the petitioner is facing life threat to attend the Court proceedings in Family Court, Tiruppur, this Court is inclined to withdraw the HMOP. No. 407 of 2023 on the file of the Family Court, Tiruppur and transfer the same to the Sub-Court Avinashi to try it along with HMOP No.113 of 2023.



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WEB COPY 6. In the result, the Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

26.09.2023

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

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To

1.The Family Court, Tiruppur

2. The Sub-Court Avinashi



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V.BHAVANI SUBBAROYAN., J.

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