



Tr.C.M.P.No.900 of 2023
and C.M.P.No.21476 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM:

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

Tr.C.M.P.No. 900 of 2023

and

C.M.P.No. 21476 of 2023

R. Iswarya

... Petitioner

Vs.

P. Ramarajan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., praying to withdraw HMOP.No.71 of 2023 on the file of Family Court, Thanjavur and transfer to the Subordinate Court, Avinashi and try along with the H.M.O.P.No.86 of 2023 on the file of the Subordinate Court, Avinashi.

For Petitioner : Mr. S. Vinoth Kumar



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ORDER

The petitioner / wife seeks transfer of H.M.O.P.No.71 of 2023 pending on the file of Family Court, Thanjavur to the Subordinate Court, Avinashi. The petitioner / wife seeks transfer of the proceedings before the Subordinate Court, Avinashi on the ground that she is living at Avinashi Taluk, Tiruppur District with one female child and she is not able to attend the Court hearings by travelling 251 kms.

2. The learned counsel for the petitioner submitted that the marriage between the respondent and the petitioner was solemnized on 28.11.2018 at Sri Punnai Nallur Sri Muthumariamman Kovil, Thanjavur, as per the Hindu Rites and Customs. Out of the wedlock, one female child born to them. He further submitted that the petitioner has filed H.M.O.P.No.86 of 2023 before the Subordinate Court, Avinashi. Hence, she prays to transfer the H.M.O.P.No.71 of 2023, to the Subordinate Court, Avinashi.



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3. Though notice sent to respondent, the same was returned as unclaimed.

4. 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.71 of 2023 to the Subordinate Court, Avinashi.

5. In view of the above, H.M.O.P.No.71 of 2023 is withdrawn from the file of the Family Court, Thanjavur and transferred to the file of Subordinate Court, Avinashi to be disposed of in accordance with law and the Family Court, Thanjavur is directed to send entire records to the Subordinate Court, Avinashi, within a period of two weeks from the date of receipt of a copy of this order.

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



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7. However, the Subordinate Court, Avinashi is directed to issue notice to the respondent and then proceed with the matter as early as possible, preferably within a period of six months from the date of this order.

16.11.2023

Index : Yes / No

Neutral Citation: Yes / No

AT

To

1. The Family Court, Thanjavur.

2. The Subordinate Court, Avinashi.



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T.V.THAMILSELVI, J.

AT

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