



Tr.C.M.P.No.941 of 2023
and CMP.No.22667 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.941 of 2023
and
CMP.No.22667 of 2023

N.S.Harini

... Petitioner

Vs.

M.Ganesh

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 151 of C.P.C., praying to withdraw the H.M.O.P.No. 36 of 2022 pending on the file of the Subordinate Court, Ambattur, Thiruvallur District and transfer the same to the file of the Subordinate Court, Rasipuram to try along with HMOP.No.92 of 2023 on the file of the Subordinate Court, Rasipuram, Namakkal District.

For Petitioner

: Mr. C.Veera Raghavan



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ORDER

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The petitioner/wife seeks transfer of H.M.O.P.No.36 of 2022 pending on the file of the Subordinate Court, Ambattur, Thiruvallur District to the Subordinate Court, Rasipuram. The petitioner /wife seeks transfer of the proceedings before the Subordinate Court, Rasipuram, Namakkal District on the ground that she is living at Rasipuram in her parental home without any source of income and she is not able to attend the Court hearings by travelling 400 kms from Rasipuram to Ambattur.

2. The learned counsel for the petitioner submitted that, the marriage between the respondent and the petitioner was solemnized on 06.02.2019 at Athisintha Thirumanamandapam, Rasipuram Pattanam Road, Namakkal District, as per Hindu rites and customs. Due to matrimonial dispute the petitioner has filed H.M.O.P.No.92 of 2023 on the file of the Subordinate Court, Rasipuram, Namakkal District to dissolve the marriage. The respondent had also filed HMOP.No.36 of 2023 before the learned Subordinate Judge, Ambattur for Restitution of Conjugal rights. Now the petitioner is residing at Rasipuram with 2 year child in her parental home



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without any source of income. Hence, she prays to transfer the H.M.O.P.No.92 of 2023 to the Subordinate Court, Rasipuram.

3. Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the HMOP.No.36 of 2023 on the file of the Subordinate Court, Ambattur to the file of the Subordinate Court, Rasipuram for joint trial along with H.M.O.P.No.92 of 2023.

4. In view of the above, H.M.O.P.No. 36 of 2023 is withdrawn from the file of the Subordinate Court, Ambattur and transferred to the file of the Subordinate Court, Rasipuram. The learned Subordinate Judge, Ambattur is directed to send entire records to the learned Subordinate Judge, Rasipuram, 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.92 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 Subordinate Judge, Rasipuram 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, Rasipuram, Namakkal District.
2. The Subordinate Court, Ambattur, Thiruvallur District.

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