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Tr.C.M.P.No. 995 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No.995 of 2023

and

C.M.P.No.23879 of 2023

G.Kalpana
D/o.Guruvaiya

... Petitioner

Versus

M.Saravanan
S/o.Murugesan

... Respondent

PRAYER :

Transfer Civil Miscellaneous Petition was filed under Sec.24 of Civil Procedure Code, praying to withdraw and transfer H.M.O.P.No.313 of 2023 pending on the file of the Family Court, Theni to Sub Court, Poonamallee.

For Petitioner : Ms.P.Ilaya Rani

For Respondent : Mr.K.Rajesh



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ORDER

This petition has been preferred to withdraw and transfer H.M.O.P.No.313 of 2023 pending on the file of the Family Court, Theni to the Sub Court, Poonamallee.

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

3. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 10.12.2001 at Veerapandi Kanishvaramudaiyar Thirukovil, Theni in accordance with Hindu Rites and Customs. Out of the wedlock, a male child was born on 20.10.2022. Due to misunderstanding, the petitioner left the matrimonial home and now, she is residing in Chennai along with her parents. The respondent had filed a petition seeking restitution of conjugal rights vide H.M.O.P.No.313 of 2023 before the Family Court, Theni.



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4. The learned counsel for the petitioner submitted that the petitioner has no source of income, she is living with her parents in Chennai. and she is not able to travel from Chennai to Theni to attend Court hearings.

5. Considering the facts that since the petitioner being an unemployed woman, as on date, she is residing in Chennai along with her parents and she is not able to travel along with her child from Chennai to Theni for attending Court hearings, this Court finds that the reason assigned by the petitioner for transfer of H.M.O.P.No.313 of 2013 is justifiable. Hence, this Court is inclined to transfer the proceeding in H.M.O.P.No.313 of 2013 pending on the file of the Family Court, Theni to Sub-Court, Poonamallee.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.313 of 2023 filed by the respondent/husband is ordered to be withdrawn from the file of Family Court, Theni and transferred to the file of Sub Court, Poonamallee. The learned Judge, Family Court, Theni is directed to transmit all the records pertaining to H.M.O.P.No.313 of 2013 to the file of the Sub-Court, Poonamallee within a



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period of two weeks from the date of receipt of a copy of this order.

However, the learned Judge, Sub-Court, Poonamallee is directed to issue notice to the respondent and dispose of the case as early as possible in the manner known to law. Consequently, connected miscellaneous petition is closed. No costs.

13.12.2023

Index:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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To

1. The Judge,
Family Court,
Theni.
2. The Judge,
Sub-Court,
Poonamallee.

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T.V.THAMILSELVI, J.

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