



Tr.C.M.P.No.1169 of 2023
and CMP.No.27925 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM:

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

Tr.C.M.P.No.1169 of 2023
and
CMP.No.27925 of 2023

K. Rajeshwari

... Petitioner

Vs.

1. T.Sugumar

2. S.Gopinath

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw and transfer the H.M.O.P.No. 294 of 2018 on the file of the Family Court, Dindigul to be tried along with H.M.O.P.No. 116 of 2023 on the file of the Sub Court, Katbadi.

For Petitioner

: Mr. V.Vadivalagia Nambi

ORDER

The petitioner/wife seeks transfer of H.M.O.P.No.294 of 2018 pending on the file of the Family Court, Dindigul to the Subordinate Court, Katbadi. The petitioner /wife seeks transfer of the proceedings before the



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Subordinate Court, Katbadi on the ground that she is living with her girl child at Dindigul in her parental home and she is not able to attend the court hearings by travelling 380 kms from Dindigul to Katbadi.

2. The learned counsel for the petitioner submitted that, the marriage between the respondent and the petitioner was solemnized on 22.11.2009 at N.S.Community Hall, Dindigul as per Hindu rites and customs. Due to misunderstanding the respondent had filed a petition for divorce in H.M.O.P.No.294 of 2018, pending on the file of the Family Court, Dindigul. The petitioner has also filed Restitution of Conjugal rights before the learned Subordinate Court, Katbadi in HMOP.No.116 of 2023. Now the petitioner is residing at Vellore in her parental home and working as a Drawing teacher at the Government Higher Secondary School, KK.Patti. Hence, she prays to transfer the HMOP.No.116 of 2023 to the Family Court, Katbadi.

3. Considering the facts and circumstances and now the case is ripe for trial and the evidence was recorded and closed and the case is pending from the year 2018, at this stage seeking transfer is not justifiable.



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

5. However, the learned Family Judge, Dindigul is directed to dispose of the HMOP.No.116 of 2023 within a period of two months from the date of receipt of a copy of this order and also directed not to impose costs to the revision petitioner for non appearance on the hearings.

12.12.2023

Index : Yes / No
Neutral Citation: Yes / No
Speaking/Non-speaking order

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T.V.THAMILSELVI, J.

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1. The Family Judge, Dindigal.
2. The Subordinate Judge, Katbadi.

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