



TR.C.M.P.(MD) No.25 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2023

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THE HO'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

TR.C.M.P.(MD) No.25 of 2023

and

C.M.P.(MD) No.529 of 2023

N.Kayalvizhi

... Petitioner

Vs.

Nagarajan

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the case in H.M.O.P.No. 99 of 2022 on the file of the Subordinate Court, Aruppukottai, Virudhunagar District and transfer the same to the Subordinate Court, Ramanathapuram, Ramanathapuram District.

For Petitioner : Mr.T.Veerakumar

For Respondent : Mr.J.Selvin Rajesh
for M/s.Dictum Law Firm

ORDER

This Transfer Civil Miscellaneous Petition has been filed for transfer of H.M.O.P.No.99 of 2022 from the file of the Subordinate Court,



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Aruppukottai, Virudhunagar District to the file of the Subordinate Court,
Ramanathapuram, Ramanathapuram District.

2. According to the petitioner/wife, the marriage was solemnized between the petitioner and the respondent on 08.09.2019 and a male child was born on 30.08.2021. It is submitted that the petitioner was subjected to untold harassment by the respondent and his family members and driven out from the matrimonial home along with the minor child. It is further submitted that without taking any steps for re-union and for taking care of the petitioner and the minor child, the respondent simply filed H.M.O.P.No.99 of 2022 before the Subordinate Court, Aruppukottai, Virudhunagar District for restitution of conjugal rights in order to escape from the clutches of law.

3. It is submitted that the petitioner and the minor child are depending upon her poor parents for their livelihood and the distance between the Athankothankui Village, Ramanathapuram District and Aruppukottai is about 100 kms. and therefore, the petitioner is facing much difficulty to attend the court on every hearings.



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4. It is submitted that since earlier the petitioner failed to appear before the Court, an *exparte* order was passed against the petitioner and it was later set aside and the petition was restored only after the petitioner filed I.A. which was allowed on 05.01.2023. It is further submitted that since the petitioner is unable to travel to Aruppukottai, Virudhunagar District along with the minor child without help of others, she approached this Court for transfer of H.M.O.P.No.99 of 2022 from the file of the Subordinate Court, Aruppukottai, Virudhunagar District to the file of the Subordinate Court, Ramanathapuram, Ramanathapuram District.

5. The Hon'ble Supreme Court in the case of **Aarti Rani @ Pinki Devi and others Vs Dharmender Kumar Gupta** reported in **2008 (9) SCC 353** held that convenience of woman is to be taken into consideration.

6. Therefore, considering the facts and circumstances of the case, H.M.O.P.No.99 of 2022 is directed to be transferred from the file of the Subordinate Court, Aruppukottai, Virudhunagar District to the file of the Subordinate Court, Ramanathapuram, Ramanathapuram District.



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K.GOVINDARAJAN THILAKAVADI, J.

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7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No cost. Consequently, connected Miscellaneous Petition is closed.

23.08.2023

NCC : Yes / No

Internet: Yes/No

Index: Yes/ No

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To

- 1.The Subordinate Judge, Aruppukottai,
Virudhunagar District.
- 2.The Subordinate Judge, Ramanathapuram,
Ramanathapuram District.

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