



Tr.CMP(MD).No.58 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.03.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

TR CMP(MD).No.58 of 2023 and
CMP(MD).No.1356 of 2023

R.Ramya

... Petitioner

-Vs-

N.Madhanraj

... Respondent

PRAYER: This Transfer CMP filed under Section 24 CPC to withdraw the HMOP.No.184 of 2021 pending on the file of the Principal Sub Court, Tenkasi and transfer the same to the file of the Sub Court, Tambaram.

For Petitioner : Mr.P.Krishnasamy

For respondent : Mr.C. Godwin



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ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in HMOP.No.184 of 2021 pending on the file of the Principal Sub Court, Tenkasi and transfer the same to the file of the Sub Court, Tambaram.

2. The marriage between the petitioner and the respondent was solemnized on 11.07.2014 as per the Hindu Rites and Customs. Due to the matrimonial dispute arose between the parties, the respondent herein has filed a petition for divorce in HMOP.No.184 of 2021 on the file of the Principal Sub Court, Tenkasi for divorce. Subsequently, the petitioner has filed HMOP.No.34 of 2022 for restitution of conjugal rights before the Principal Sub Court, Thenkasi.

3. The learned counsel appearing for the respondent would submit that the petitioner is originally residing in Thenkasi at Door.No. 5/170 (25), Thenkasi Taluk, Kuthukkal Valasai, Thirunagar 9th Street, Thenkasi Taluk and he has filed HMOP.No.34 of 2022 giving the same address as the address for the petitioner. He further submitted that the



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above said house belongs to the respondent's father, who has died. He further submitted that the respondent is working as a Junior Assistant in the Treasuries Department at Thenkasi and therefore, it cannot be possible for him to travel from Thenkasi to Chennai. Hence, he prayed for dismissal of this petition.

4. I have heard the learned counsel appearing on either side and perused the materials available on record.

5. The petitioner has filed HMOP.No.34 of 2022 for restitution of conjugal rights and she has given a Thenkasi address in the said petition. However, the fact remains that the petitioner is said to be living with her parents at Chennai, Tambaram and she is unemployed. Further, there are no document to substantiate that the petitioner is residing in Thenkasi in the counter filed by the respondent and he is maintaining the petitioner. Hence, this Court is inclined to transfer both the HMOP.No. 184 of 2021 and HMOP.No.34 of 2022 pending on the file of the Principal Sub Court, Thenkasi to the file of the Sub Court, Tambaram.



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6. Accordingly, the Transfer CMP is disposed of. Since the respondent is employed in Thenkasi the appearance of the respondent is dispensed with, unless the Court insists the presence of the respondent before the Sub Court, Tambaram. The Sub Court, Tamabaram is directed to dispose both the HMOPs as expeditiously as possible, preferably within a period of 12 months from the date of receipt of records from the Court below. No costs. Consequently, the connected Miscellaneous Petition is closed.

16.03.2023

Index : Yes / No
Internet : Yes/ No
trp

To

- 1.The Principal Sub Court, Tenkasi.
2. The Sub Court, Tambaram.



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C.SARAVANAN,J.,

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