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Tr.C.M.P.(MD)No.72 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD)No.72 of 2023

and

C.M.P.(MD)No.1625 of 2023

J.Devi

.. Petitioner

Versus

S.Ajithkumar

.. Respondent

Prayer :- Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.9 of 2023, on the file of the Family Court, Srivilliputhur, Virudhunagar District, filed by the respondent herein and the same may be transferred to the Court of the learned Principal Subordinate Judge, Trichy District.

For Petitioner : Mr.S.Veerapandi Selvaraj

For Respondent : Ms.J.Vidya

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.9 of 2023, on the file of the Family Court, Srivilliputhur, Virudhunagar District, filed by the respondent herein and the same may be transferred to the Court of the learned Principal Subordinate Judge, Trichy District.



2. The petitioner herein is the respondent in H.M.O.P.No.9 of 2023 filed by the respondent herein under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights.

3. The specific case of the petitioner is that she is living with her parents at Trichy. It is submitted that the aforesaid H.M.O.P. has been filed before the Family Court, Srivilliputhur, Virudhunagar District, which is about 210 kilometers away from Trichy. It is submitted that the averments made in the aforesaid Petition are false and baseless. It is further submitted that after the marriage, the respondent/husband had set up a separate matrimonial home at Chennai and a female child was born on 10.10.2020. Thereafter, due to difference of opinion, both were living separately.

4. The learned counsel for the respondent submits that the respondent is always ready and willing to live with the petitioner. However, the petitioner voluntarily left the matrimonial home and is living separately with her parents at Trichy. It is further submitted that the respondent's father has also suffered by stroke and requires constant attention and therefore, it has become for the respondent to travel and attend case at Trichy. Hence, the learned counsel for the respondent prays for dismissal of this Petition.



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5. I have considered the arguments advanced by the learned counsel for the petitioner and the respondent.

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6. There is a matrimonial dispute between the petitioner and the respondent. No doubt, the presence of the respondent is required to attend his ailing father. However, it would be difficult for the petitioner to travel about 420 Kilometers up and down from Trichy along with her female with child, aged about 2 years, and attend the hearings of H.M.O.P.No.9 of 2023, before the Family Court, Srivilliputhur, Virudhunagar District.

7. Considering the above, this Petition is allowed, by directing transfer of H.M.O.P.No.9 of 2023, on the file of the Family Court, Srivilliputhur, Virudhunagar District to the file of Principal Subordinate Court, Trichy District. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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06.03.2023

To

1.The Judge,
Family Court,
Srivilliputhur,
Virudhunagar District.

<https://www.mhc.tn.gov.in/judis>



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2.The Principal Subordinate Judge,
Trichy District.

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C.SARAVANAN, J.

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Order made in
Tr.C.M.P.(MD)No.72 of 2023

06.03.2023