



TR.C.M.P.(MD) No.70 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2023

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

TR.C.M.P.(MD) No.70 of 2022

and

C.M.P.(MD) No.1535 of 2022

P.Shreya

... Petitioner

Vs.

V.Raghavan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw and transfer the H.M.O.P.No.1138 of 2021 from the file of the Subordinate Court, Alandur, Chennai to any of the competent Court at Trichy.

For Petitioner : Mr.N.Marimuthu
for Mr.A.Chandrakumar

For Respondent : Mr.N.Baskaran

ORDER

This Transfer Civil Miscellaneous Petition has been filed to transfer H.M.O.P.No.1138 of 2021 from the file of the Subordinate Court, Alandur, Chennai to any of the competent Court at Trichy.



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2. The learned counsel for the respondent, on instructions, submits that the petitioner has also filed parallel proceedings before the Family Court, Trichy to dissolve the marriage solemnized between the petitioner and the respondent.

3. The learned counsel for the petitioner is however unable to confirm the same. The petitioner has filed this Transfer Civil Miscellaneous Petition for transfer of H.M.O.P.No.1138 of 2021 filed by the respondent before the Subordinate Court, Alandur, Chennai for restitution of conjugal rights.

4. The petitioner is a resident of Trichy. The petitioner is aged about 27 years. In the affidavit filed in support of the present Transfer Civil Miscellaneous Petition, the petitioner has stated that efforts taken by the petitioner's parents to restart the marital journey between the petitioner and the respondent has turned futile.

5. In the paragraph 8 of the affidavit, the petitioner has stated as follows:-



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8. I humbly submit that it is very difficult me to go attend the proceedings at Alandur, Chennai from Trichy, since, I am financially struggling. I am not in the situation to travel to Alandur frequently. Hence, in the interest of justice, it is just and necessary to withdraw and transfer the H.M.O.P.No.1138 of 2021 from the file of the learned Subordinate Court, Alandur, Chennai to any of the competent Court at Trichy and thus render justice.

6. Being satisfied with the above reasons, I am inclined to allow this Transfer Civil Miscellaneous Petition. H.M.O.P.No.1138 of 2021 is directed to be transferred from the Subordinate Court, Alandur, Chennai to the Family Court, Trichy.

7. In case the petitioner has initiated any proceedings before the Family Court, Trichy, the Family Court, Trichy shall first endeavour to refer the parties to mediation, so that, the dispute can be resolved between them, as the petitioner appears to be very young and got married on 25.10.2015.



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C.SARAVANAN, J.

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

30.06.2023

NCC : Yes / No
Internet: Yes/No
Index: Yes/ No
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To

- 1.The Subordinate Court, Alandur, Chennai.
- 2.The Family Court, Trichy.

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