



Tr.C.M.P.(MD) No.99 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.99 of 2023

and

C.M.P(MD)No.2418 of 2023

M.Sharmila

... Petitioner/Respondent

-VS-

P.Raja

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the case in H.M.O.P.No.04 of 2022 on the file of the learned Sub-Court Lalkudi, Trichy District and transfer the same to the file of the Principal Sub-Court, Thanjavur.

For Petitioner : Mr.V.S.Kamuraguru

For Respondent : Mr.T.Leninkumar

ORDER

The petitioner has filed the Transfer Civil Miscellaneous Petition to transfer the H.M.O.P.No.4 of 2022 pending on the file of the Sub-Court, Lalkudi to the Principal Sub-Court, Thanjavur.



Tr.C.M.P.(MD) No.99 of 2023

WEB COPY

2.The petitioner/wife has filed H.M.O.P.No.66 of 2022 before the Principal Sub-Court Thanjavur, for restitution of Conjugal rights.

3.The learned counsel appearing for the respondent/husband would submit that the petitioner/wife has filed the aforesaid H.M.O.P., is only to harass the respondent. The petitioner is not regularly appearing and the litigation has been prolonged.

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

5.Though the petitioner and the respondent were got married on 21.08.2020, the fact remains that the petitioner and the respondent have developed serious difference, which resulted in filing the H.M.O.P.4 of 2022 before the Sub-Court Lalkudi, by the respondent. The petitioner, on the other hand, has already filed H.M.O.P.No.66 of 2022, on 12.10.2022. The petitioner appears to be depending on her parents and no independent means to maintain herself.



WEB COPY

Tr.C.M.P.(MD) No.99 of 2023

6.Considering the above, this Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No. 4 of 2022 filed by the respondent to dissolve the marriage with the petitioner pending on the file of the Sub-Court Lalkuid, is withdrawn and ordered to be transferred to the file of the Principal Sub-Court Thanjavur, to be tried along with H.M.O.P.No.66 of 2022 filed by the petitioner for restitution of conjugal rights. The Principal Sub-Court Thanjavur, shall endeavour to dispose of both the cases as expeditiously as possible, preferably within a period of twelve(12) months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

28.03.2023

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

Ns



WEB COPY



Tr.C.M.P.(MD) No.99 of 2023

C.SARAVANAN, J.

Ns

To:

- 1.The Sub-Court,
Thanjavur.
2. The Sub-Court,
Lalkudi.

Order made in
Tr.C.M.P.(MD) No.99 of 2023
and
C.M.P(MD)No.2418 of 2023

Dated:
28.03.2023