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Tr.C.M.P.(MD)No.145 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD)No.145 of 2023

and

C.M.P.(MD)No.3282 of 2023

Sathya, D/o.Anbucheziyan

.. Petitioner

Versus

Ponmanickam, S/o.Ponraj

.. Respondent

Prayer :- Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.1485 of 2022, on the file of the Family Court, Madurai, and transfer the same to the file of the Sub Court, Sivakasi, Virudhunagar District and try along with H.M.O.P.No.16 of 2023, on the file of the Sub Court, Sivakasi, Virudhunagar District.

For Petitioner : Mr.R.Karunanidhi

For Respondent : Mr.A.Saravanakumar

ORDER

The petitioner has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.1485 of 2022, pending on the file of the Family Court, Madurai, to the file of the Sub Court, Sivakasi, Virudhunagar District, for being tried along with H.M.O.P.No.16 of 2023, filed by the petitioner for restitution of conjugal rights.



2. In Paragraph Nos.8 and 9 of the affidavit filed in support of this Petition, the petitioner has stated as follows:-

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"8. I submit that the distance between Madurai and Sivakasi is about 75 KM and up and down it comes around 150 KM. Since it is very difficult for me to go every hearing to Madurai for attending the court. My husband is residing at Madurai and he is capable of travel to Sivakasi without any difficulty. I state that under these circumstances I have filed this transfer petition to withdraw and transfer H.M.O.P.No.1485 of 2022 on the file of the learned Family Court, Madurai to the file of the learned Sub Court, Sivakasi, Virudhunagar district.

9. I submit that being a woman it is also difficult for to attend each hearing at Madurai. Further my age old parent could not accompany with me at the time of the hearing of the case. The Respondent and his family relatives are highly influential person and having money and muscle power. I respectfully submit that I am unemployed and at present very weak in financial situation. Hence I have also reasonable apprehended that my life is at peril. I state that I do not have any relatives at Madurai and it is more difficult to travel from Sivakasi to Madurai."

3. This Transfer Civil Miscellaneous Petition is opposed by the learned counsel for the respondent. The respondent has filed a counter affidavit, wherein at Paragraph No.8, he has stated as follows:-

"8. I submit that if I want to go to Sivakasi Subcourt Vaitha, I wake up at 5.30A.M. in the morning get ready by 6.30A.M. leave home by bus at Arappalayam and reach Thirumangalam by 8.00A.M. Then it will be



9.30AM to reach the Sivakasi Bus stand from there, and then it is 10.30A.M. to reach Sivakasi Sub Court from Sivakasi bus stand. After vaitha return to Madurai and reach home at 4.00P.M. I feel physically exhausted, one day the salary will be gone. so, therefore, I would like to state that it will be convenient for me, and the petitioner, if the two court cases are transferred to one court Virudhunagar Family court, it is 30K.M. from the petitioner's house, and 60 K.M. from me, the petitioner has completed two degrees, and currently she is working in College."

Therefore, he prayed that both the cases to be transferred to one Court in Virudhunagar.

4. I have heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. Already, the petitioner has filed H.M.O.P.No.16 of 2023 for restitution of conjugal rights, which is pending before the Sub Court, Sivakasi, Virudhunagar District. The respondent has partially consented for transfer of H.M.O.P.No.1485 of 2022 to any other Court in Virudhunagar, other than the Sub Court, Sivakasi. There is no point in dislocating both the parties and subject them to inconvenience.

6. Considering the above, there shall be a direction to the learned Judge, Family Court, Madurai, to transfer H.M.O.P.No.1485 of 2022, to the Sub Court, Sivakasi, Virudhunagar District, for being tried along with H.M.O.P.No.16 of 2023.



Tr.C.M.P.(MD)No.145 of 2023

7. This Transfer Civil Miscellaneous Petition stands allowed with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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18.04.2023

To

1.The Judge,
Family Court,
Madurai.

2.The Sub Judge,
Sivakasi,
Virudhunagar District.



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C.SARAVANAN, J.

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Order made in
Tr.C.M.P.(MD)No.145 of 2023

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