



Tr.C.M.P(MD)No.131 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.131 of 2023

and

C.M.P(MD)No.3014 of 2023

Sathya

... Petitioner

-Vs-

Indhira Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, 1908, praying to withdrawal of H.M.O.P.No.136 of 2022 from the learned Sub-Court, Tamabaram and the same may be transferred to the learned Sub-Court, Tirunelveli District, so as to try together along with the restitution of conjugal rights petition in H.M.O.P.No.50 of 2022 on the file of the learned Sub-Court, Tirunelveli.

For Petitioner : Mr.S.Vidya Sagar

For Respondent : Mr.G.Anto Prince



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ORDER

This Petition has been filed for a direction to withdraw the H.M.O.P.No. 136 of 2022 from the learned Sub-Court, Tamabaram and to transfer the same to the learned Sub-Court, Tirunelveli District, so as to try together along with the restitution of conjugal rights petition in H.M.O.P.No.50 of 2022 on the file of the learned Sub-Court, Tirunelveli.

2.The learned counsel appearing for the respondent submitted that the present transfer civil miscellaneous petition has to be dismissed, as the respondent is working in Chennai and he is an I.T employee.

3.Considering the arguments of the learned counsel and on perusal of the affidavit filed in support of the present transfer civil miscellaneous petition, it appears that the petitioner had already instituted H.M.O.P.No.50 of 2022 under Section 9 of the Hindu Marriages Act, 1955, before the Sub-Court, Tirunelveli, for restitution of conjugal rights. The divorce proceedings in H.M.O.P.No.136 of 2022 before the Sub-Court, Tambaram, has been instituted after the filing of



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H.M.O.P.No.50 of 2022. The marriage between the petitioner and the respondent was solemnized only on 24.03.2021.

4. Being satisfied with the reasons stated in the affidavit filed in support of this petition, I am inclined to allow the transfer civil miscellaneous petition by directing the H.M.O.P.No.136 of 2022 pending on the file of the Sub-Court, Tambaram, has been tried along with H.M.O.P.No.50 of 2021 pending on the file of the Sub-Court, Tirunelveli. The Sub-Court, Tirunelveli, shall endeavour to dispose of the H.M.O.P.No.136 of 2022 on its renumbered along with H.M.O.P.No.50 of 2022, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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C.SARAVANAN, J.
NS

To:

- 1.The Sub-Court,
Tambaram.
- 2.The Sub-Court,
Tirunelveli District
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

Tr.C.M.P(MD)No.131 of 2023
and
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