



Tr.C.M.P(MD)No.166 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.166 of 2023
and
C.M.P(MD)No.3634 of 2023

S.Babitha

...Petitioner

Vs.

S.Suresh Kumar

...Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the H.M.O.P.No.683 of 2022 from the file of the Family Court, Trichy and transfer the same to the file of the Sub Court, Paramathi for being tried along with H.M.O.P.No.10 of 2023 on the file of the Sub Court, Paramathi.

For Petitioner : M/s.S.Bharathi

For Respondent : Mr.Sakthivel
For Mr.R.Sundar



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ORDER

The present transfer civil miscellaneous petition has been filed to transfer H.M.O.P.No.683 of 2022 from the file of the Family Court, Trichy to the file of the Sub Court, Paramathi for being tried along with H.M.O.P.No.10 of 2023 on the file of the Sub Court, Paramathi.

2. The petitioner is the respondent in H.M.O.P.No.683 of 2022 before the Family Court, Trichy. H.M.O.P.No.683 of 2022 was filed by the respondent herein for dissolving the marriage solemnised between the petitioner and the respondent. The petitioner in turn has filed H.M.O.P.No.10 of 2023 for restitution of conjugal rights, which is pending before the Sub Court, Paramathi.

3. The petitioner has expressed her difficulties stating that she is not employed and is taking care of the minor child. That apart, it is submitted that the petitioner is suffering from multiple ailments and under treatment for multiple fibroid uterus and therefore, she cannot travel frequently.



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4. The learned counsel for the respondent on the other hand submits that the proceedings can be transferred to Sub Court, Musiri as the respondent is a resident of Trichy and it can be convenient for both the parties.

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

6. Considering the fact that the petitioner is not employed and taking care of the minor child and considering the fact that the petitioner is suffering from various ailments, which has not been denied by the respondent, the present Transfer Civil Miscellaneous Petition stands allowed by transferring H.M.O.P.No.683 of 2022 on the file of the Family Court, Trichy to the file of the Sub Court, Paramathi and being tried along with H.M.O.P.No.10 of 2023 on the file of the Sub Court, Paramathi. No costs. Consequently, connected miscellaneous petition is closed.

06.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- 1.The Family Court,
Trichy
- 2.The Sub Court,
Paramathi.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN ,J.

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