



Tr.C.M.P(MD)No.247 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.247 of 2023

and

C.M.P(MD)No.5447 of 2023

S.Bhavana

...Petitioner/Respondent

Vs.

R.Singaram

...Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw H.M.O.P.No.118 of 2022 on the file of the learned Subordinate Judge, Pattukkottai and transfer the same to the file of the Family Court, Madurai to be tried along with HMOP.No.320 of 2023 pending therein.

For Petitioner : Mr.S.Parthasarathy

For Respondent : No Appearance



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ORDER

The present transfer civil miscellaneous petition has been filed to transfer H.M.O.P.No.118 of 2022 on the file of the learned Subordinate Judge, Pattukkottai to the file of the Family Court, Madurai to be tried along with H.M.O.P.No.320 of 2023 pending on the file of the Family Court, Madurai.

2. Though the first respondent has been served and name being printed in the cause list, there is no appearance either in person or through counsel.

3. The petitioner is the respondent in H.M.O.P.No.118 of 2022 filed by the respondent herein for dissolving the marriage solemnised between the petitioner and the respondent. On the other hand, the petitioner has filed H.M.O.P.No.320 of 2023 before the Family Court, Madurai for restitution of conjugal rights.

4. The petitioner in her affidavit filed in support of the petition stated as follows:



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" 5...I submit that except my father who is already aged 60 years there are no other persons to take care of my interest. Further, Pattukkottai is nearly 190 kms away from my base of residence namely Madurai. If at all I am to attend the hearing at Pattukkottai I may have to leave Madurai very early in the morning so as to reach Pattukkottai and in the matter of covering the distance from my place of residence to Pattukkottai, I will have to travel nearly 4 1/2 hours. With a kid of 4 old and except my parents to accompany me to Pattukkottai it will be very difficult for me to attend the court proceedings at Pattukkottai and defend the case. It will also be impossible and a difficult task for me physically in this regard. Further, my application seeking a decree of restitution of conjugal rights is also pending before the Family Court at Madurai, where I temporarily reside. If the proceedings pending before the Sub Court, Pattukkottai initiated by my husband in HMOP.No.118 of 2022 is also transferred to the file of the Family Court, Madurai and to be tried along with the proceedings pending therein in HMOP.No.320 of 2023, it will avoid conflict of decisions and put an end to my sufferings. In the said circumstances, I seek for the transfer of the proceedings in HMOP.No.118 of 2022 pending on the file of the Subordinate Judge, Pattukkottai to the file of the Family Court, Madurai and to be tried along with HMOP.No.320 of 2023 pending therein."

5. Being satisfied with the reasons given in the affidavit filed in support of the petition, I am inclined to allow the present Transfer Civil Miscellaneous Petition. Thus, the present Transfer Civil Miscellaneous Petition stands allowed by transferring H.M.O.P.No.118 of 2022 on the file of the learned Subordinate Judge, Pattukkottai to the file of the Family Court, Madurai to be tried along with H.M.O.P.No.320 of 2023



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pending on the file of the Family Court, Madurai. No costs.

Consequently, connected miscellaneous petition is closed.

22.06.2023

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

- 1.The learned Subordinate Judge,
Pattukkottai.
- 2.The Family Court,
Madurai.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN ,J.

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