



Tr CMP (MD) No.275 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.275 of 2023

and

CMP(MD)No.6301 of 2023

K.Sofiya Merlin

... Petitioner

-VS-

R.Moses John Priyakumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w. Section 151 of the Code of Civil Procedure, to transfer the case pending on the file of the Family Court, Thiruvallur in I.D.O.P.No.100 of 2023 to be tried along with I.D.O.P.No.31 of 2023 pending before the Principal District Court, Ramanathapuram.

For Petitioner : Mr.D.Packiaraj

For Respondent : Mr.P.Kannan

ORDER

The present transfer civil miscellaneous petition has been filed to transfer IDOP.No.100 of 2023 from the Family Court, Thiruvallur to the Principal District



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Court, Ramanathapuram to be tried along with IDOP.No.31 of 2023.

2.The petitioner is the respondent in I.D.O.P.No.100 of 2023 filed by the respondent before the Family Court, Thiruvallur. I.D.O.P.No.100 of 2023 has been filed by the respondent to dissolve the marriage solemnized between the petitioner and the respondent. The petitioner in turn has filed I.D.O.P.No.31 of 2023 before the Principal District Court, Ramanathapuram for restitution of conjugal rights.

3.In the affidavit filed in support of the present petition, the petitioner has expressed apprehensions and difficulties. The petitioner has stated that the petitioner is currently residing with her parents at Ramanathapuram and that she aged about 24 years and depend on her parents. The petitioner has also stated that the distance between Ramanathapuram and Thiruvallur is 503 kms. Therefore, the petitioner has to travel almost more than 1000 kms in connection with the case. That apart it is submitted that the petitioner also filed I.D.O.P.No.31 of 2023 for restitution of conjugal rights.



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4.The learned counsel appearing for the respondent submits that the case can be transferred to neutral location in Trichy. He would further that the respondent has to take care of his aged parents.

5.There is no merits in the objection of the respondent to transfer of I.D.O.P.No.100 of 2023 pending on the file of the Family Court, Thiruvallur to be tried along with I.D.O.P.No.31 of 2023 pending on the file of the Principal District Court, Ramanathapuram. There is no point in transferring the case to the earlier location which has no hassle connection to the case or parties here to.

6.Considering the above, I.D.O.P.No.100 of 2023 stands transferred from the file of the Family Court, Thiruvallur to the Principal District Court, Ramanathapuram and tried along with I.D.O.P.No.31 of 2023. The learned Principal District Judge, Ramanathapuram, shall endeavour to dispose the proceedings in I.D.O.P.No.100 of 2023 on it being renumbered along with I.D.O.P.No.31 of 2023 as expeditiously as possible preferably within a period of 12 months from the date of receipt of a copy of this order.



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C.SARAVANAN, J.

Mrn

7.With the above observation, this Transfer Miscellaneous Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

27.06.2023

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

- 1.The Judge, Family Court, Thiruvallur.
2. The Principal District Judge, Ramanathapuram.

Order made in
Tr.C.M.P.(MD) No.275 of 2023

Dated:

27.06.2023