



TR.C.M.P.(MD) No.294 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2023

CORAM:

**THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

TR.C.M.P.(MD) No.294 of 2023

and

C.M.P(MD) No.6739 of 2023

Kasthuri

... Petitioner

Vs.

Ananth

... Respondent

Prayer :- Petition filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the H.M.O.P.No.10 of 2023 from the file of the Sub Court, Pattukottai, Thanjavur District to the file of Sub Court, Aranthangi, Pudukkottai District and to try along with H.M.O.P.No.41 of 2022 on the file of Sub Court, Aranthangi, Pudukkottai District.

For Petitioner : Mr.R.Prasanna

For Respondents : No appearance



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ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.10 of 2023 from the file of the Sub Court, Pattukottai, Thanjavur District to the file of Sub Court, Aranthangi, Pudukkottai District and to try along with H.M.O.P.No.41 of 2022 on the file of Sub Court, Aranthangi, Pudukkottai District.

2.The learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent has been solemnized on 01.06.2014 as per Hindu Rites and Customs. Due to the dispute arose between them, the petitioner/wife filed a petition in H.M.O.P.No.41 of 2022 on the file of the Sub Court, Aranthangi, for divorce. Pursuant to which, the respondent/husband filed a petition in H.M.O.P.No.10 of 2023 for restitution of conjugal rights before the Sub Court, Pattukottai, Thanjavur District, seeking the relief of restitution of conjugal rights. Only with an intention to harass the petitioner, the respondent has filed the petition for restitution of conjugal rights. The petitioner is now dependent entirely on her parents and it would be



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difficult for her to travel to Pattukottai for the hearings. He would further submit that it is impossible for her to travel alone and she has to be accompanied by some one, which would result in an additional expenditure. Further, as there are two cases pending before two different Courts, even if both the cases are taken up for hearing on the same day, it will become very difficult for her to attend both the hearings. Hence, the petitioner prays for transferring the case from Pattukottai to Aranthangi.

3.The respondent though served has not entered appearance. Heard the learned counsel for the petitioner and perused the records.

4.It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. Therefore, taking into account the above circumstances, this Court is of the view that the transfer civil miscellaneous petition is liable to be ordered. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.10 of 2023 pending on the file of the Sub Court, Pattukotti, Thanjavur District, is ordered to be withdrawn



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and transferred to the file of the Sub Court, Aranthangi, Pudukkottai District, to be heard along with H.M.O.P.No.41 of 2022. The learned Subordinate Judge, Pattukotti, Thanjavur District, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.10 of 2023 to the transferee Court, within a week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

01.08.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
cp

To

1.The Subordinate Judge,
Pattukottai,
Thanjavur District.

2.The Subordinate Judge,
Aranthangi,
Pudukkottai District



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K.GOVINDARAJAN THILAKAVADI, J.

cp

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