



Tr.C.M.P(MD)No.311 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.311 of 2023

and

C.M.P(MD)No.6950 of 2023

N.Krishnakumar

...Petitioner/Petitioner

Vs.

K.Janaki

...Respondent/Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the case in H.M.O.P.No.345 of 2021 on the file of the Family Court, Dindigul and transfer the same to the Sub Court, Oddanchathram.

For Petitioner : Mr.K.Anandraj

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to transfer H.M.O.P.No.345 of 2021 on the file of the Family Court, Dindigul to the Sub Court, Oddanchathram.



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2. The above H.M.O.P. has been filed by the petitioner for dissolving the marriage with the respondent under Section 13 (1) (1a) of the Hindu Marriage Act, 1955 before the Family Court, Dindigul.

3. It is the specific case of the petitioner that H.M.O.P.No.345 of 2021 was originally filed before the Family Court, Erode and later transferred to the Family Court, Dindigul. It is the further case of the petitioner that the respondent has also instituted proceedings for restitution of conjugal rights in H.M.O.P.No.188 of 2022 under Section 9 of the Hindu Marriage Act, 1955 and that case is now pending before the Sub Court, Oddanchatram. Similarly, the respondent has also initiated proceedings under the provisions of the Protection of Women from Domestic Violence Act in D.V.O.P.No.7 of 2021, which is also now pending before the Judicial Magistrate Court, Oddanchatram against the petitioner. Hence prays for transferring of H.M.O.P.No.345 of 2021 pending on the file of the Family Court, Dindigul to the file of the Sub Court, Oddanchatram.

4. The learned counsel for the petitioner fairly concedes that the distance between the two Courts are only 30 kilometers and the



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petitioner is residing and employed in Erode District. Whether the case is tried at the Family Court, Dindigul or the Sub Court, Oddanchatram is of no consequence to the petitioner as the petitioner is any way travel from Erode District to Dindigul District in connection with the matrimonial dispute.

5. In view of the above, the present Transfer Civil Miscellaneous Petition is liable to be dismissed. Accordingly, it stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2023

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

- 1.The Family Court,
Dindigul.
- 2.The learned Sub Judge,
Oddanchatram.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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