



Tr CMP (MD) No.356 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.356 of 2022

and

C.M.P.(MD)No.6027 of 2022

M.Ranjani

... Petitioner/Respondent

-VS-

R.Rajkumar

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the H.M.O.P.No.84 of 2022 from the file of the learned Sub Court, Aruppukottai and transfer the same to the file of the learned Subordinate Court, Madurai.

For Petitioner : Mr.K.R.Laxman

For Respondent : Mr.C.Senthil Murugan

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of Sub Court, Aruppukottai in H.M.O.P. No.84 of 2022 and transfer the same to the Sub Court, Madurai.



WEB COPY



Tr CMP (MD) No.356 of 2022

2.Paragraph 7 to 11 of the affidavit reads as under:-

“7..... I humbly submit that as far as my parents are concerned, my father has already deserted my mother, before a very long time, wherein, I am with my old aged mother. My only brother also is working at Army, wherein, I have no support at all, in any corners of my life. I am taking care of my old aged mother. I am also jobless and income less.

8..... I humbly submit that by understanding my economical social position, the respondent herein has wantonly filed the present petition for restitution of conjugal rights petition before the learned Subordinate Court, Aruppukottai, only to drag me from Palamadu, Vadipatti Taluk, Madurai District, which is almost 80 Kilometers between my residential place and the respondents palce.

9..... I humbly submit that attending the Court at Aruppukottai is not only impressible, but also impossible, on account of myself attending my old age mother. Moreover as I am income less, if and only the said restitution of conjugal rights petition filed by the respondents herein with false information is transferred to Learned Sub Court, Madurai, I can ably defend the case.

10..... I humbly submit that it is needless to point out the each averments made in the said petition filed by the respondent herein seeking restitution of conjugal rights, wherein almost several averments in the said petition are false. There are women harassments and dowry demand against me, wherein the respondent has also committed offence under Penal provisions. Further my belongings namely, cash, jewels and articles are with the respondent herein. Further the manner in which they dealt me in the past is absolutely unfair.

11..... I humbly submit that further the present application for restitution of conjugal rights is filed only to



Tr CMP (MD) No.356 of 2022

WEB COPY

drag me from Palamedu, Vadipatti Taluk, Madurai District to Aruppukottai.”

3. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this Court is inclined to allow this petition. Hence, H.M.O.P. No.84 of 2022 is transferred from the file of Sub Court, Aruppukottai to Sub Court, Madurai. The learned Sub Judge, Madurai, shall endeavour to complete the proceedings preferably within a period of 12 months from the date of receipt of copy of this order.

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

21.06.2023

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

1. The Sub Judge, Aruppukottai.

2. The Subordinate Judge, Madurai.



WEB COPY



Tr CMP (MD) No.356 of 2022

C.SARAVANAN, J.

Mrn

Order made in
Tr.C.M.P.(MD) No.356 of 2022

Dated:

21.06.2023