



*Tr.C.M.P.(MD)No.342 of 2023*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 13.12.2023

CORAM:

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

**Tr.C.M.P.(MD)No.342 of 2023**

**and**

**C.M.P.(MD)No.7367 of 2023**

Deepamalya

... Petitioner

Vs.

Puliyar @ Vasanthakumar

... Respondent

**Prayer** : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the case in O.P.No.27 of 2023 on the file of the Sub Court, Melur, Madurai District and transfer to the Family Court, Madurai District.

For Petitioner : Mr.M.M.Manivelpandian

For Respondent : Mr.Aayiram K.Selvakumar

**ORDER**

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Sub Court, Melur, Madurai District, in O.P.No.27 of 2023 and transfer the same to the Family Court, Madurai District.



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2. The learned counsel appearing for the petitioner would submit that the petitioner is a resident of Madurai and that the respondent is a police constable, having so much influence in Melur and hence, the petitioner finds it difficult to proceed with the trial before the Sub Court, Melur and that is why, she was constrained to file the present petition seeking transfer.

3. The learned counsel appearing for the respondent would submit that earlier the respondent has filed a petition for restitution of conjugal rights before the Sub Court, Melur and after trial, the petition was ordered and that since the petitioner has not complied with the decree for restitution of conjugal rights, the respondent was constrained to file the present application in O.P.No.27 of 2023 for divorce and the same is pending on the file of the Sub Court, Melur.

4. When the matter is taken up for hearing today, the learned counsel appearing for the respondent would submit that the respondent is not having any objection to transfer the case to the Family Court, Madurai.



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5. Recording the submissions made on either side, this Court is inclined to transfer the case in O.P.No.27 of 2023 from the file of the Sub Court, Melur, Madurai District, to the file of the Family Court, Madurai.

6. Accordingly, the learned Subordinate Judge, Melur, Madurai District, is hereby directed to transmit the entire records in O.P.No.27 of 2023 to the file of the Family Court, Madurai, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case records, the learned Judge of Family Court, Madurai, is directed to take the petition on file and then to proceed in accordance with law.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

**13.12.2023**

NCC :yes/No  
Index :yes/No  
Internet:yes/No  
csm



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**K.MURALI SHANKAR,J.**

csn

**To**

1. The Sub Court,  
Melur.
2. The Family Court,  
Madurai.
- 3.The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.

**Order made in**  
**Tr.C.M.P.(MD)No.342 of 2023**  
**and**  
**C.M.P.(MD)No.7367 of 2023**

**Dated : 13.12.2023**