



Tr.C.M.P.(MD)No.421 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD)No.421 of 2022

and

C.M.P.(MD)No.6912 of 2022

S.Jeyachithra

.. Petitioner

Versus

V.Sathiyamoorthi

.. Respondent

Prayer :- Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.517 of 2022, pending on the file of the Family Court, Madurai, and transfer the same to the file of the Sub Court, Devakottai, to try along with H.M.O.P.No.110 of 2022.

For Petitioner : Mr.N.Tamilmani

For Respondent : No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.517 of 2022, pending on the file of the Family Court, Madurai, and transfer the same to the file of the Sub Court, Devakottai, to try along with H.M.O.P.No.110 of 2022.



2. Despite service of notice on the respondent, there is no representation on behalf of the respondent.

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3. It is the case of the petitioner that she is working as Library Attender in Alagappa University at Karaikudi and that the respondent is working in Madurai and used to visit Karaikudi regularly. The petitioner appears to have given a police complaint regarding the alleged illicit affair by the respondent with a third person. It is submitted that after a police complaint was filed, the respondent has filed H.M.O.P.No.517 of 2022 before the Family Court, Madurai, for divorce, whereas, the petitioner has filed H.M.O.P.No.110 of 2022 before the Sub-Court, Devakottai, for restitution of conjugal rights.

4. It is the further case of the petitioner that she is an employee of Alagappa University and it may not be possible for her to travel about 100 Kilometers on regular basis from Karaikudi to Madurai, and that the petitioner is required to take 3 buses and it becomes multimodal transport.

5. Being satisfied with the reasons given in the affidavit filed in support of this petition and considering the fact that the petitioner is also taking care of the minor child, who is aged 14 years, this Court is inclined to allow this Petition. Accordingly, H.M.O.P.No.517 of 2022, pending on the file of the Family Court, Madurai, is



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directed to be transferred to the Sub-Court, Devakottai, for being tried along with H.M.O.P.No.110 of 2022. The learned Sub-Judge, Devakottai, shall take steps to dispose of both the H.M.O.Ps. as expeditiously as possible, preferably within a period of 15 months from the date of receipt of a copy of this order.

6. This Transfer Civil Miscellaneous Petition stands allowed with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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21.03.2023

To

- 1.The Judge,
Family Court,
Madurai.
- 2.The Sub Judge,
Devakottai.



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C.SARAVANAN, J.

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Order made in
Tr.C.M.P.(MD)No.421 of 2022

21.03.2023