



WEB COPY

Tr.C.M.P(MD)No.368 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2023

CORAM

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

Tr.C.M.P(MD)No.368 of 2023

and

C.M.P(MD)No.7860 of 2023

S.Saravanan

... Petitioner/Respondent

Vs.

Menaka

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.96 of 2019 on the file of the Sub Court, Thuraiyur, Trichy District and transfer the same to the Family Court, Namakkal.

For Petitioner

:Mr.N.Anandakumar

For Respondent

:Mr.K.Arunraj

ORDER

The Transfer Civil Miscellaneous Petition is filed to to withdraw the case in H.M.O.P.No.96 of 2019 on the file of the Sub Court, Thuraiyur, Trichy District and transfer the same to the Family Court, Namakkal.



2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and also perused the materials available on record.

3.The learned counsel appearing for the petitioner/husband would submit that the marriage between the petitioner and the respondent was solemnized on 21.10.2009 and out of their wedlock, they were blessed with two male children. Due to some misunderstanding between them, the petitioner has filed a petition in H.M.O.P.No.96 of 2019 before the Sub-Court, Thuraiyur, for divorce. Pursuant to which, the respondent has filed a petition in F.C.O.P.No.266 of 2019 before the Family Court, Namakkal, for restitution of conjugal rights. Now the respondent/wife is residing in her parental home at Namakkal. Further, the Family Court, Namakkal, which is nearer to the respondent and the distance between Thuraiyur and Namakkal is 40 kms and therefore, no prejudice would be caused to the respondent/wife, if the case is transferred from Thuraiyur to Namakkal.

4.The learned counsel appearing for the respondent/wife submitted that the respondent has no objection for transferring the case from Thuraiyur to Namakkal.



5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.96 of 2019 pending on the file of the Sub-Court, Thuraiyur, is ordered to be withdrawn and transferred to the file of the Family Court, Namakkal. The learned Sub-Court Judge, Thuraiyur, is directed to transmit the entire records pertaining to the case in H.M.O.P.No. 96 of 2019 to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of. The Registry is also directed to send back the papers that are pending before the Registry if any. No costs. Consequently, the connected miscellaneous petition is closed.

04.08.2023

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

1. The Family Court,
Namakkal.
2. The Sub-Court,
Thuraiyur.
3. The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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