



Tr.C.M.P.(MD) No.611 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.611 of 2022

and

C.M.P(MD)No.9793 of 2022

S.Gunasekaran

... Petitioner/Respondent

-VS-

A.M.Akila

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the case in H.M.O.P.No.48 of 2021 on the file of the Principal Sub-Court, Valliyur and transfer the same to the Sub-Court, Lalgudi.

For Petitioner : Mr.Sankar

For Respondent : Mr.K.S.Kathiravan



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ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.48 of 2021 on the file of the Principal Sub-Court, Valliyur and transfer the same to the Sub-Court, Lalgudi.

2.The petitioner is the respondent in H.M.O.P.No.48 of 2021 on the file of the Principal Sub-Court, Valliyur, filed by the respondent for dissolving the marriage solemnized between the petitioner and the respondent in the year 2014.

3.The case of the petitioner is that the petitioner was employed as a Teacher temporarily in Private School and the respondent got a Government posting and he was posted in Valliyur. The petitioner also left his job and joined with the respondent. It is further submitted that difference of opinion arose and turn, the respondent has filed H.M.O.P.No.48 of 2021 before the Sub-Court, Valliyur. It is further submitted that the respondent has been transferred and currently, she is working in Chennai.



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4.On the other hand, the petitioner has filed H.M.O.P.No.157 of 2021 for restitution of conjugal rights, before the Sub-Court, Lalgudi.

5.I have considered the submissions advanced by the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6.The respondent is an employee with the Government and she is being transferred from one place to another and currently, she is supposed to be working in Chennai, as an Assistant Manager in State Bank of India.

7.Considering the fact that the respondent could be transferred to anywhere from the current station and the H.M.O.P filed by the respondent is pending before the Principal Sub-Court, Valliyur, this Court is inclined to transfer H.M.O.P.No.48 of 2021 pending before the Principal Sub-Court, Valliyur to be tried along with H.M.O.P.No.157 of 2021 filed by the petitioner, which is pending before the Sub-Court, Lalgudi.



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8. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed and the case in H.M.O.P.No.48 of 2021 on the file of the Principal Sub-Court, Valliyur, is withdrawn and transferred the same to the Sub-Court, Lalgudi, to be tried along with H.M.O.P.No.157 of 2021. The Sub-Court, Lalgudi, shall endeavour to take steps to dispose of both the H.M.O.Ps, as expeditiously as possible, preferably within a period of fifteen months from the date of receipt of a copy of this order . No costs. Consequently, connected miscellaneous petition is closed.

20.03.2023

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

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To:

- 1.The Principal Sub-Court,
Valliyur.
2. The Sub-Court,
Lalgudi.



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C.SARAVANAN, J.

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Order made in
Tr.C.M.P.(MD) No.611 of 2022
and
C.M.P(MD)No.9793 of 2022

Dated:

20.03.2023