



Tr.C.M.P(MD)No.675 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Tr.C.M.P(MD)No.675 of 2022

and

C.M.P(MD) No.10828 of 2022

S.Nagarani

... Petitioner

-Vs-

K.Suresh Kumar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.163 of 2022 on the file of the Sub Court, Thirumangalam and to transfer the said case to the Subordinate Court, Aruppukkottai.

For Petitioner : Mr.V.Sasikumar

For Respondent : Mr.J.Barathan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the proceedings in H.M.O.P.No.163 of 2022 from the file of the Sub Court, Thirumangalam to the Sub Court, Aruppukkottai.



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2.The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 22.05.2015. Out of the wedlock, they have blessed with a male child on 06.03.2016. Subsequently, due to some difference of opinion, they separated. The petitioner filed H.M.O.P.No.192 of 2022 for restitution of conjugal rights, before the Sub Court, Aruppukkottai. The respondent filed H.M.O.P.No. 163 of 2022, before the Sub court, Thirumangalam for dissolution of marriage. Since the petitioner/wife is a resident of Aruppukkottai, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.163 of 2022 from the file of the Sub Court, Thirumangalam to the Sub Court, Aruppukkottai.

3.The learned counsel appearing for the petitioner submits that if both the petitions are jointly heard, it will be convenient for the Court to decide the issue and multiplication of proceedings can also be avoided through the joint trial. He further



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submits that the petitioner is having six years old baby and hence she finds it very difficult for her to travel upto Thirumangalam to contest the case in H.M.O.P.No.163 of 2022.

4.The learned counsel appearing for the respondent submits that the petitioner is working as a Teacher in Nagamangalm Panchayat Union Middle School, Sivagangai and without any reasons, the petitioner is seeking transfer of the proceedings in H.M.O.P.No.163 of 2022 from the file of the Sub Court, Thirumangalam to the Sub Court, Aruppukkottai. He further submits that in order to harass the respondent, the petitioner has filed this Transfer Civil Miscellaneous Petition.

5.Considering the rival submissions made and also taking into consideration of the convenience of both the parties, this Court is inclined to transfer the proceedings in H.M.O.P.No.163 of 2022 from the file of the Sub Court, Thirumangalam to the Family Court, Madurai.



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6. Accordingly, this transfer civil miscellaneous petition stands disposed of. The proceedings in H.M.O.P.No.163 of 2022, on the file of the Sub Court, Thirumangalam is withdrawn and ordered to be transferred to the file of the Family Court, Madurai. The learned Subordinate Judge, Thirumangalam is directed to transmit the entire case records to the Family Court, Madurai forthwith and the learned Judge, Family Court, Madurai, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

12.01.2023

Index : Yes/No
Internet : Yes/No
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To

1. The Sub Court, Thirumangalam.
2. The Family Court, Madurai.
3. The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI, J.

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Tr.C.M.P(MD)No.675 of 2022
and
C.M.P(MD) No.10828 of 2022

12.01.2023