



Tr.C.M.P.(MD)No.665 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.665 of 2023

and

C.M.P.(MD)No.14633 of 2023

Pavatharani

... Petitioner/
Respondent

Vs.

Vinothkumar

... Respondent/
Petitioner

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the case in O.P.No.226 of 2023 on the file of Family Court, Theni and transfer the same to the file of Family Court, Thoothukudi for the disposal of the case on merits in accordance with law.

For Petitioner : Mr.S.Ashokkumar

For Respondent : No appearance



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ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Family Court, Theni, in O.P.No.226 of 2023 and transfer the same to the file of the Family Court, Thoothukudi.

2. Despite receipt of Court notice, the respondent has not turned up.

3. It is seen from the records that the marriage between the petitioner and the respondent was solemnized on 10.06.2022.

4. The learned counsel appearing for the petitioner would submit that the respondent has filed the petition in O.P.No.226 of 2023 for restitution of conjugal rights and is pending on the file of the Family Court, Theni, that the petitioner, who is the resident of Thoothukudi, has to travel all along from Thoothukudi to Theni to attend all the hearings and that therefore, she was constrained to file the present application.

5. Considering the facts and circumstances and also the facts that the petitioner is residing at Thoothukudi and that the respondent has not chosen to enter into appearance despite receipt of Court notice, this Court



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is inclined to transfer the case in O.P.No.226 of 2023 from the file of the Family Court, Theni, to the file of the Family Court, Thoothukudi.

6. Accordingly, the learned Judge of Family Court, Theni, is hereby directed to transmit the entire records in O.P.No.226 of 2023 to the file of the Family Court, Thoothukudi, within a period of 15 days from the date of receipt of a copy of this order and on receiving the case bundle, the learned Judge of Family Court, Thoothukudi, is directed to take the petition on file and 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.

11.12.2023

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



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K.MURALI SHANKAR,J.

csn

To

1. The Family Court,
Theni.
2. The Family Court,
Thoothukudi.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Tr.C.M.P.(MD)No.665 of 2023
and
C.M.P.(MD)No.14633 of 2023

Dated : 11.12.2023