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Tr.CMP.No.370 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.CMP.No.370 of 2024

and

C.M.P.No.7892 of 2024

Dharani

... Petitioner

Vs.

Arun

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw H.M.O.P.No.278 of 2023, on the file of Family Court, Thanjavur and to transfer the same to Principal Sub-Court Mayilduthurai and further direct to conduct joint trial along with HMOP No.17 of 2024, pending on the file of the Principal Sub-Court Mayiladuthurai District.

For Petitioner : Mr.M.Muruganantham

For Respondent : Mr.R.Thirumoorthy

ORDER

The petitioner /wife filed this Transfer Petition seeking to transfer of H.M.O.P.No.278 of 2023, on the file of Family Court, Thanjavur and



transfer the same to Principal Sub-Court Mayilduthurai and further direct to conduct joint trial along with HMOP No.17 of 2024, pending on the file of the Principal Sub-Court Mayiladuthurai District.

2. The contention of the petitioner/wife is that the marriage between the petitioner/wife and the respondent/husband took place on 06.03.2022 at Rani Mahal, Kavery Nagar, Mayiladuthurai. Thereafter, they lived together at Thanjavur along with respondent/husband's family, on 03.09.2023, the petitioner/wife was chased out of the matrimonial home and she is now staying with her parents and the respondent/husband not taken any care, has no concern for the respondent. Despite the same, the Petitioner/wife filed HMOP No.17 of 2024, for restitution of conjugal rights.

3. The learned counsel appearing for the respondent/husband submitted that the petitioner has been making allegation as though the respondent/husband is at fault and after the marriage, marital obligation not performed and there is serious difference of opinion between the petitioner/wife and the respondent/husband in this regard. After the respondent/husband filed HMOP No.278 of 2023 before the Family Court



Thanjavur as a counter-blast, the petitioner/wife filed HMOP NO.17 of 2024 before the Principal Sub-Court, Mayiladuthurai, her real intention is not to live with the respondent/husband.

4. Both the learned counsels appearing on either side submitted that there are serious difference between the petitioner/wife and the respondent/husband, despite both family took efforts, the issue could not be resolved and both are agreeable to have a Mediation to decide their future and all the issues between them can be sorted out.

5. In view of the same, the learned counsel appearing for the respondent/husband has no objection to transfer the divorce petition in HMOP No.278 of 2023 on the file of Family Court, Thanjavur to Principal Sub-Court, Mayiladuthurai and both agreed for a Mediation.

6.Considering the facts and circumstance of the case and the contentions of the learned counsels appearing on either side, this Court is of the view that the petitioner being a lady, it is certain that she will face hardship to travel from Mayiladuthurai to Thanjur to attend the case and it



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would be better and convenient for both the petitioner and the respondent, if the case is transferred and tried before Principal Sub-Court, Mayiladuthurai wherein HMOP NO.17 of 2024 is pending. In my considered view, it is appropriate to transfer the case in HMOP No.278 of 2023, from the file of Family Court, Thanjavur to Principal Sub-Court, Mayiladuthurai in the interest of justice. After transferring the case in HMOP No.278 of 2023 to the Principal Sub-Court Mayiladuthurai, the Principal Sub Judge to refer both the matters in HMOP No.278 of 2023 and HMOP No.17 of 2024 for Mediation to resolve the issue between the parties for continuing with the matrimonial life or get separated.

7.In fine, the Transfer Miscellaneous Petition is allowed on the above terms. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

22.07.2024

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To

1.The Family Court, Thanjavur



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2.The Principal Sub-Court, Mayiladuthurai.

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M.NIRMAL KUMAR, J.

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