



Tr.CMP.No.381 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.381 of 2023

and

C.M.P.No.8215 of 2023

C.Saranya

.. Petitioner

Vs.

R.Subarajadevan

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.46 of 2020 and H.M.O.P.No.30 of 2022 on the file of the Subordinate Judge at Nagapattinam and transfer the same to the file of the Subordinate Court, Sirkazhi in Mailaduthurai District.

For Petitioner : M/s.Dalit Tiger C.Ponnusamy

For Respondent : Mr.K.Balu

ORDER

The husband has presented a petition in H.M.O.P.No.46 of 2020 for divorce and the wife has presented a petition in H.M.O.P.No.30 of 2022 for restitution of conjugal rights. Both the proceedings are pending before the



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learned Subordinate Judge at Nagapattinam.

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2. The petitioner/wife complaints that she is suffering from cardiopulmonary disease and is unable to travel from Sirkazhi to Nagapattinam to attend the case hearings. She is a mathematics teacher at Sirkazhi Government Higher Secondary School.

3. The learned counsel appearing for the respondent/husband submits that the entire idea of the transfer petition is to delay and drag on the proceedings. He would point out that his client has already deposed in the year 2021 and his evidence has been closed. He alleges that by one means or other, the wife is trying to stall the proceedings.

4. Taking into consideration the difficulties expressed by the petitioner as well as considering her health condition, I am inclined to allow this transfer petition. Hence, the proceeding in H.M.O.P.No.46 of 2020 and H.M.O.P.No.30 of 2022, which are now pending on the file of the learned Subordinate Judge at Nagapattinam, are withdrawn and they shall stand transferred to the file of the Subordinate Court at Sirkazhi. Once the proceedings are taken on file before the learned Subordinate Judge at



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Sirkazhi, the learned Judge shall give priority to these proceedings and ensure that the proceedings are completed within a period of nine months from the date on which the 1st hearing of the proceedings takes place.

5. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

17.04.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

V. LAKSHMINARAYANAN, J.



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To

1.The Subordinate Court,
Nagapattinam

2.The Subordinate Court,
Sirkazhi

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