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Tr.C.M.P.No.407 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.407 of 2023
and C.M.P.No.8938 of 2023

Sarguna

... Petitioner

VS

Rajavel

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the H.M.O.P.No.39 of 2019 on the file of the Sub Court, Panruti to try along with H.M.O.P.No.145 of 2022 filed by this petitioner on the file of the Sub-Court, Tindivanam.

For Petitioner : Mr.A.N.Rajan

For Respondent : No Appearance

ORDER

The wife is the transfer petitioner. Notice to the respondent was ordered in this petition on 02.06.2023. Private notice has been served on the respondent on 23.04.2024. He has not entered appearance through a counsel nor is he present in person to object the petition on merits.

2. The petitioner and the respondent solemnized their wedding on



Tr.C.M.P.No.407 of 2023

27.04.2018. The matrimonial home was set up at Nellikuppam. The petitioner and the respondent developed differences and therefore, the husband initiated H.M.O.P.No.39 of 2019 on the file of the Sub Court, Panruti.

3. After the service of summons, the wife has initiated proceedings before the Sub Court at Tindivanam seeking for restitution of conjugal rights in H.M.O.P.No.145 of 2022. She states that she is not earning and has not been maintained by her husband. She would further plead that for her day-to-day expenses, she is depending upon her parents. She finds it very difficult to travel from Tindivanam to Panruti for every hearing and therefore, this transfer.

4. Taking note of the fact that the wife has pleaded financial and physical inability to travel from Tindivanam to Panruti and in order to avoid conflicting judgments between the Court in Panruti and the Court in Tindivanam, I am inclined to consider the transfer petition. Hence, H.M.O.P.No.39 of 2019 is withdrawn from the file of the Sub Court, Panruti and transferred to the file of Sub Court, Tindivanam to be heard and tried



Tr.C.M.P.No.407 of 2023

along with H.M.O.P.No.145 of 2022.

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

01.07.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

1.The Sub Court, Panruti.

2.The Sub Court, Tindivanam.



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Tr.C.M.P.No.407 of 2023

V.LAKSHMINARAYANAN, J.

dm

Tr.C.M.P.No.407 of 2023

01.07.2024