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Tr Cmp.No.709 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Tr CMP.No.709 of 2023

and

CMP.No.17283 of 2023

Senbagavalli

... Petitioner

Vs

Karthikeyan

... Respondent

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw the HMOP No.59/2023 from the file of the Subordinate Judge, Perundurai and transfer the same to the Subordinate Judge, Tiruchengode.

For Petitioner ... Mr. Nagendra Prasath

For Respondent ... No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the HMOP No.59/2023 from the file of the Subordinate Judge,



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Perundurai and transfer the same to the Subordinate Judge, Tiruchengode.

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2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnised on 11.06.2015. Since, the relationship between the couples went bitter, the petitioner left the matrimonial home and filed a Domestic Violence petition in D.V.No.14 of 2021 before the Judicial Magistrate Court, Tiruchengode. The respondent filed H.M.O.P.No.59 of 2023 for restitution of conjugal rights before the Subordinate Judge, Perundurai.

3. The learned counsel would further submit that the petitioner is having 7 years old boy child and she is staying with her parents at Chennimalai and that the petitioner finds it very difficult to travel to Perundurai for each and every hearing and therefore filed the present petition, seeking for transfer of HMOP No.59 of 2023 pending on the file of Subordinate Court, Perundurai to the file of Subordinate Court, Tiruchengode.

4. As per the records maintained by the registry, notice was served on



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the respondent, but the respondent has not chosen to engage any counsel or appear before this Court.

5. In view of the submission made by the learned counsel for the petitioner and also considering the fact that the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the case, as prayed for in the petition.

6. Accordingly, H.M.O.P.No.59/2023 is hereby directed to be withdrawn from the file of the Subordinate Court, Perundurai and transfer to the Subordinate Court at Tiruchengode. The Subordinate Judge, Perundurai is directed to send the entire records to the Sub Court, Tiruchengode within a period of two weeks from the date of receipt of a copy of this order and on receiving the same, the learned Subordinate Judge, Tiruchengode is directed to issue notice to both parties and thereafter, dispose of the case on merits as early as possible.

7. With the above direction, the Transfer Civil Miscellaneous Petition



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is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
dpq

20.02.2024

To

- 1.The Subordinate Court, Perundurai.
- 2.The Subordinate Court, Tiruchengode.

V. SIVAGNANAM, J.



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