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TR CMP No.892 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

TR CMP No.892 of 2023

and

CrI.M.P.No.21356 of 2023

Tamilzharasi

... Petitioner

Vs.

M.Saravana Kumar

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, 1908 to withdraw the Restitution of Conjugal Rights petition filed in O.P.No.49 of 2023 pending on the file of the District Family Judge, Krishnagiri and transfer the same to the Subordinate Judge, Palacode.

For Petitioner : Mr.K.Gandhi Kumar

For Respondent : Mr.J.Pradeep

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw OP No. 49 of 2023 pending on the file of the District Family Judge, Krishnagiri and transfer the same to the Subordinate Judge, Palacode.



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2. Learned counsel for the petitioner submits that the petitioner is residing her parent's house at Palacode and the petitioner's father underwent surgery for his Coronary Artery disease. Therefore, she is unable to attend the Family Court at Krishnagiri. Hence the petitioner seeks to withdraw O.P.No.49 of 2023 from the file of the District Family Court, Krishnagiri and transfer the same to Subordinate Judge, Palacode.

3. Learned counsel for the respondent objected to the said transfer and contended that the respondent will be put to great hardship to attend the Court proceedings at Family Court at Krishnagiri.

4. On a perusal of the records, it is noticed that the respondent husband has filed a petition in OP No 49 of 2023 before the District Family Court at Krishnagiri seeking Restitution of Conjugal Rights. The petitioner is residing at Palacode and her father underwent surgery for his Coronary Artery disease. Hence the petitioner is unable to travel Krishnagiri to attend the Court. Considering the difficulty expressed by the petitioner, this Court



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is inclined to transfer the case to the Subordinate Court, Palacode.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed.

OP No 49 of 2023 is hereby directed to be withdrawn from the file of the District Family Court at Krishnagiri and transferred to the the Subordinate Court, Palacode. The Judge, District Family Court at Krishnagiri is directed to send the entire records to the Subordinate Court, Palacode within a period of two weeks from the date of receipt of a copy of this order and on receiving the same, the learned Judge, Subordinate Court, Palacode is directed to issue notice to both parties and thereafter, dispose of the case on merits as early as possible. Consequently, the connected Civil Miscellaneous Petition is closed. There will be no order as to costs.

28.02.2024

Index: Yes/No
Internet: Yes/No
rpl



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V.SIVAGNANAM, J.,

rpl

To

1. The District Family Judge, Krishnagiri. Subordinate Judge, Palacode.
- 2.The Subordinate Judge, Palacode.

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