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Tr.C.M.P.No.1016 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.1016 of 2023
and C.M.P.No.24480 of 2023

Sri Jaya Ragavi

... Petitioner

Vs.

Dr.Suriyan

... Respondent

PRAYER: The Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure read with Section 151 of Code of Civil Procedure, to withdraw the case in H.M.O.P.No.175 of 2023 on the file of the Family Court, Krishnagiri, and transfer the same to the file of the Sub Court, Attur.

For the Petitioner : Mr.K.Suresh

For the Respondent : Mrs.M.A.Mumtaj Surya

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.175 of 2023 on the file of the Family Court, Krishnagiri, and transfer the same to the file of the Sub Court, Attur.

2. The wife is the petitioner. She married the respondent on



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30.10.2020. From the wedlock, a male child was born on 10.09.2021.

However, the male child passed away on 23.04.2023. Due to disputes and differences between them, the husband has initiated proceedings in H.M.O.P.No.175 of 2023 before the Family Court, Krishnagiri. The wife also initiated proceedings in H.M.O.P.No.191 of 2023 before the Sub Court, Attur for restitution of conjugal rights.

3. The petitioner being a resident of Attur, seeks transfer of the proceedings from Krishnagiri to Attur. She would plead that it is difficult for her to travel from Attur to Krishnagiri to contest the proceedings.

4. Notice was ordered in this petition and the respondent has entered appearance through Mrs.M.A.Mumtaj Surya. She states that the respondent has no objection in transferring the proceedings to Attur.

5. Taking into consideration the interest of the wife and since the distance between Attur to Krishnagiri is considerable and also the fact that petitioner/wife had already filed H.M.O.P.No.191 of 2023 for restitution of conjugal rights before the Sub Court, Attur, the proceedings in



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H.M.O.P.No.175 of 2023 pending before the Family Court, Krishnagiri, is withdrawn and transferred to the file of the Sub Court, Attur, to be tried and disposed of along with H.M.O.P.No.191 of 2023.

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

15.07.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking order / Non-speaking order

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To
1.The Judge,
Family Court, Krishnagiri.

2.The Judge
Sub Court, Attur.

V.LAKSHMINARAYANAN, J.



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