



Tr.C.M.P.(MD).No.2 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Tr.C.M.P.(MD).No.2 of 2024
and C.M.P.(MD).No.148 of 2024

P.Muthuvinayagam

... Petitioner/Respondent

Vs.

K.Sudamani @ Rohini

... Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24(b)(ii) of Civil Procedure Code to withdraw the petition in H.M.O.P.No.4897 of 2023, on the file of VI Additional Principal Judge, Family Court at Chennai and to transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner : Ms.P.Jessi Jeeva Priya

For Respondent : No Appearance

ORDER

This petition has been filed to withdraw the petition in H.M.O.P.No.4897 of 2023, on the file of VI Additional Principal Judge, Family Court at Chennai and to transfer the same to the file of the Family



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Court, Tirunelveli.

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2.The facts in brief:

The marriage between the parties were solemnized on 12.12.2013. Thereafter there was some misunderstanding between them. Compromise talk was also made by the elders. In the compromise talk, both are agreed to mutually separate from each other. For that purpose, the petitioner filed H.M.O.P.NO.152 of 2023 on the file of the Family Court, Tirunelveli. The matter was referred to the Mediation Centre by the Family Court, Tirunelveli. By this time, the respondent filed H.M.O.P.No.4897 of 2023 on the file of the VI Additional Principal Judge, Family Court at Chennai for restitution of conjugal rights. The petitioner is a physically disabled person. Without the help of another person, he cannot go to Chennai to attend the above said matrimonial proceeding. Hence, he filed this petition seeking transfer of the same to the file of the Family Court, Tirunelveli to try the case along with H.M.O.P.NO.152 of 203.

3.Heard the learned counsel for the petitioner. Even though the



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respondent was served with notice, none appears on behalf of her. Her name was also printed in the cause list.

4.Considering the facts and circumstances of the case and considering the disability of the petitioner, the H.M.O.P.NO.4897 of 2023 filed by the respondent on the file of the VI Additional Principal Judge, Family Court, Chennai, is ordered to be withdrawn and transferred to the Family Court, Tirunelveli to conduct joint trial along with H.M.O.P.NO.152 of 2023.

5.Accordingly, this transfer civil miscellaneous petition is allowed.
No costs. Consequently, connected miscellaneous petition is closed.

20.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

- 1.The VI Additional Principal Judge, Family Court, Chennai.
- 2.The Judge, Family Court, Tirunelveli.

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3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGOVA,J.

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