



TR.CMP(MD).No. 83 of 2024

BEFORE THE MADURAI 9BENCH OF MADRAS HIGH COURT

DATED : 12.08.2024

CORAM :

THE HON'BLE MR JUSTICE P. VADAMALAI

TR.CMP(MD).No.83 of 2024

and

CMP(MD).No.1423 of 2024

R.Shamily

... Petitioner

Vs.

C.Manoj Kumar

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case on the file of the Subordinate Court, Tenkasi, Tenkasi District, in H.M.O.P.No.305 of 2023 and transfer the same to the Subordinate Court, Valliyoor, Tirunelveli District.

For Petitioner : Mr.S.Palanivelayutham

For Respondent : No appearance



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ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in H.M.O.P.No.305 of 2023 on the file of the Subordinate Court, Tenkasi, Tenkasi District and transfer the same to the file of the Subordinate Court, Valliyoor, Tirunelveli District.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 10.05.2019 as per Hindu Rites and Customs.

3. The learned Counsel for the petitioner submits that one male child was born through the wedlock. Due to mis-understanding between the petitioner and the respondent, the petitioner left the matrimonial home along with her minor child. Thereafter, the respondent filed H.M.O.P.No.305 of 2023, before the Subordinate Court, Tenkasi, Tenkasi District, for divorce. Now, the petitioner is residing in her parents house at Valliyoor, Tirunelveli District. The distance between Tenkasi and Valliyoor is approximately 100 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.305 of 2023, before the Subordinate Court, Tenkasi, Tenkasi District. In the



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above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.305 of 2023, before the Subordinate Court, Tenkasi, Tenkasi District, to the file of the Subordinate Court, Valliyoor, Tirunelveli District.

4. The name of the respondent has been printed in the cause list. However, he has not chosen to appear before this Court either in person or through Counsel. Therefore, after hearing the learned Counsel for the petitioner, this order is passed.

5. Being satisfied with the reasons stated in the affidavit filed in support of this petition and also considering the convenience of petitioner/wife, this Court is inclined to allow this petition.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.305 of 2023 pending on the file of the Subordinate Court, Tenkasi, is hereby withdrawn and transferred to the file of Subordinate Court, Valliyoor, Tirunelveli District. The learned Judge, Subordinate Court, Tenkasi, Tenkasi District, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.305 of



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2023 to the transferee Court, within a period of two weeks from the date of receipt of a copy of this order. On such receipt, the learned Judge, Subordinate Court, Valliyoor, Tirunelveli District, is directed to take the case on file and dispose the same as expeditiously as possible in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

12.08.2024

Internet : Yes / No

Index : Yes / No

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To

1. The Subordinate Court, Tenkasi, Tenkasi District.
2. The Subordinate Court, Valliyoor, Tirunelveli District.



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P. VADAMALAI, J.

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