



Tr.CMP.(MD)No.262 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.08.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.262 of 2023

and

C.M.P.(MD)No.5782 of 2023

Suvitha

.. Petitioner

Vs.

P.Rajapandi

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No. 179 of 2022 on the file of the Principal Sub Court, Dindigul and transfer the same to the file of the Family Court, Theni.

For Petitioner : Mr.S.Vikram

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.179 of 2022 on the file of the



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Principal Sub Court, Dindigul and transfer the same to the file of the Family Court, Theni.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 03.03.2010 at Eluvanpatti as per Hindu Rites and Customs. From the wedlock, two male children, namely Muthamilselvan and Mouneesh, were born.

3. Due to disputes and differences that have arisen between the parties, they are living separately. The respondent/husband has initiated the proceeding seeking restitution of conjugal rights in H.M.O.P.No.179 of 2022 on the file of the Principal Sub Court, Dindigul.

4. The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing on behalf of the petitioner.



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6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing in her parents' house, which is at Theni District. The distance between Theni and Dindigul is around 60 Kms, and the petitioner/wife finds it very difficult to travel such a long distance to attend every Court hearing. Hence, she seeks transfer of proceeding from the file of the Principal Sub Court, Dindigul to the file of the Family Court, Theni.

7. Taking into consideration the facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this transfer petition.

8. The learned Judge, Principal Sub Court, Dindigul is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.179 of 2022 to the file of the Family Court, Theni, and on receipt of such records, the learned Judge, Family Court, Theni is directed to take the case on file and dispose of the same in accordance with law.



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

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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P. VADAMALAI, J.

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To

1.The learned Judge, Principal Sub Court,
Dindigul

2.The learned Judge, Family Court,
Theni

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