



Tr.C.M.P(MD)No.337 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.08.2024**

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.337 of 2024

and

C.M.P(MD)No.7472 of 2024

Priyanka

... Petitioner

Vs.

P.Prabhu

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.85 of 2024 from the Court of the Subordinate Judge, Gobichettipalayam, Erode District and transfer the same to Sub-Court, Virudhunagar, Virudhunagar District and allow this Transfer Civil Miscellaneous Petition.

For Petitioner : Mr.M.Jothi Basu

For Respondent : Mr.R.L.Dhilipan Pandian

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.85 of 2024 from the file of the Subordinate Judge, Gobichettipalayam, Erode District and transfer the same to the Sub-Court, Virudhunagar, Virudhunagar District.



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2. The learned counsel for the petitioner/wife submits that the marriage between the petitioner and the respondent was solemnized on 28.08.2021. Due to some difference of opinion, they have separated. The petitioner/wife has already filed a petition in H.M.O.P.No.219 of 2023 before the Sub Court, Virudhunagar, seeking divorce and now the respondent/husband has filed a petition in H.M.O.P.No.85 of 2024 before the Sub Court, Gobichettipalayam, Erode District, U/s.9 of the Hindu Marriage Act, seeking restitution of conjugal rights. He would further submit that the petitioner is residing with her parent's at Soolakarai, Virudhunagar District. The distance between the petitioner's residence and Gobichettipalayam is 270 kms and the petitioner has to travel nearly 540 kms for each and every date of hearing. The petitioner finds it difficult to travel such a long distance and hence, she seeks to transfer the case as prayed for.

3. The learned counsel for the respondent has raised only the formal objections.

4. Considering the facts and circumstances of the case and also considering the convenience of the petitioner/wife, this Court is inclined to allow this petition.



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5. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed and H.M.O.P.No.85 of 2024 pending on the file of the Sub Court, Gobichettipalayam, Erode District is hereby withdrawn and transferred to the file of the Sub-Court, Virudhunagar, Virudhunagar District.

6. The learned Judge, Sub Court, Gobichettipalayam, Erode District, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.85 of 2024 to the Sub-Court, Virudhunagar, Virudhunagar District within a period of three weeks from the date of receipt of a copy of this order. On receipt of records, the learned Judge, Sub-Court, Virudhunagar, Virudhunagar District is directed to take the case on file and dispose the same on merits in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

28.08.2024

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

VSD



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To

- 1.The Sub-Court, Virudhunagar,
Virudhunagar District.
- 2.The Sub Court, Gobichettipalayam,
Erode District
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Order made in
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and
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