



TR.C.M.P(MD).No.327 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.02.2024

CORAM :

THE HONOURABLE Mr.JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.327 of 2023

and

C.M.P(MD)No.7112 of 2023

M.Husan Banu

... Petitioner

Vs

M.Riyasdeen

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw O.S.No.58 of 2023 on the file of the District Munsif Court, at Madurai Taluk and transfer the same to the District Munsif Court, Periyakulam.

For Petitioner : Mr.M.A.M.Raja

For Respondent : Mr.S.Vikram



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ORDER

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This Transfer Civil Miscellaneous Petition is filed to withdraw O.S.No.58 of 2023 on the file of the District Munsif Court, Madurai Taluk and transfer the same to the District Munsif Court, Periyakulam.

2. The case of the prosecution is that the marriage between the parties took place on 07.01.2023 at Periyakulam Vadakarai Kallar Road, as per the religious customary rights. They started their life in the matrimonial home at Keelapanagadi, Vagaikulam, Madurai. When the respondent demanded dowry, she lodged a complaint. Over which C.S.R.No.7 of 2023 was registered. In the enquiry, the police advised the respondent to take her back. Later a child was born on 03.05.2020. But later, the respondent started neglecting the child and the wife. But filed O.S.No.58 of 2023 seeking restitution of conjugal rights before the Taluk Munsif Court, Madurai. She is living with her aged parents. She is also depending upon them. Finding it difficult to appear before the Madurai Taluk Munsif Court, to attend the Court proceedings, this petition is filed.



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3. Heard the learned counsel for the respondent, who stated that the respondent has no objection to transfer the case. According to him, it may be transferred to any Court in Theni.

4. In view of the above submission, Theni and Periyakulam are located at a short distance. So no inconvenience would be caused to the respondent if the matter is transferred to Periyakulam.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. There shall be a direction to the learned District Munsif, Madurai to transfer the entire records in O.S.No.58 of 2023, immediately to the file of the District Munsif Court, Periyakulam. After receiving the records, the learned District Munsif, Periyakulam, may assign new number and issue notice to parties for appearance and dispose the case in accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

01.02.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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G.ILANGO VAN, J.

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To

1. The District Munsif, Madurai Taluk.
2. The District Munsif, Periyakulam.

ORDER
IN

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