



Tr.CMP.(MD)No.383 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.383 of 2022

and

C.M.P.(MD)No.6286 of 2022

Sathiya Priya

.. Petitioner

Vs.

D.Suresh

.. 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. 101 of 2019 on the file of the Sub Court, Palani, Dindigul District and transfer the same to the file of the Sub Court, Pollachi, Coimbatore District to be tried along with H.M.O.P.No.155 of 2022.

For Petitioner : Mr.S.Karthik

For Respondent : Mr.S.Prabha



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.101 of 2019 on the file of the Sub Court, Palani, Dindigul District and transfer the same to the file of the Sub Court, Pollachi, Coimbatore District to be tried along with H.M.O.P.No.155 of 2022.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 02.07.2006 at Thiru Avinankudi Temple, Palani as per the Hindu Rites and Customs. Out of the wedlock, one female child and one male child were born on 21.10.2007 and 14.09.2008 respectively.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.101 of 2019 on the file of the Sub Court, Palani seeking dissolution of marriage. Thereafter, the petitioner/wife has initiated the proceeding in H.M.O.P.No. 155 of 2022 on the file of the Sub Court, Pollachi seeking restitution of conjugal rights.



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4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her parents at Pollachi Taluk, Coimbatore District along with her two children. The distance between Pollachi and Palani is around 80 Kms, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with two children. Hence, she seeks transfer of proceeding from the file of the Sub Court, Palani to the file of the Sub Court, Pollachi.

6. The learned counsel for the respondent would submit that the petitioner/wife has already initiated a domestic violence case in D.V.C.No. 26 of 2018 on the file of the Judicial Magistrate Court, Palani, for which the petitioner/wife is travelling to Palani for attending every Court hearing. Hence, he prays for dismissal of this petition.

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



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8. The learned Judge, Sub Court, Palani, Dindigul District is directed to transmit the entire records pertaining to the case in H.M.O.P.No. 101 of 2019 to the file of the Sub Court, Pollachi, Coimbatore District within a period of two weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Sub Court, Pollachi, Coimbatore District is directed to take the case on file and dispose of the same as expeditiously as possible on merits in accordance with law.

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

06.09.2024

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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, Sub Court,
Palani, Dindigul District
- 2.The learned Judge, Sub Court,
Pollachi, Coimbatore District

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and
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