



TR.CMP(MD).No. 594 of 2022

BEFORE THE MADURAI 9BENCH OF MADRAS HIGH COURT

DATED : 08.08.2024

CORAM :

THE HON'BLE MR JUSTICE P. VADAMALAI

TR.CMP(MD).No.594 of 2022

and

CMP(MD).No. 9491 of 2022

Tmt.Vennila

... Petitioner

Vs.

Sekar

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case on the file of the Subordinate Court, Kovilpatti in H.M.O.P.No.107 of 2022 and transfer the same to the Sub Court, Devakottai, Sivagangai District.

For Petitioner : Mr. G.Thalainutharasu

For Respondent : Mr.S.Malaikani



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ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in H.M.O.P.No.107 of 2022 on the file of the Subordinate Court, Kovilpatti and transfer the same to the file of Subordinate Court, Devakottai, Sivagangai District.

2.Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondent.

3.The learned Counsel appearing for the petitioner would submit that the petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 05.06.2012 as per Hindu Rites and Customs. One male child was born through the wedlock. Due to mis-understanding between the petitioner and the respondent, the petitioner was left from the matrimonial home along with her minor child. Thereafter, the respondent filed H.M.O.P.No.107 of 2022, before the Subordinate Court, Kovilpatti for divorce. The distance between Kovilpatti and Devakottai is approximately 500 kilometers and it is very difficult for the petitioner to



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travel each and every hearing to attend H.M.O.P.No.107 of 2022, before the Subordinate Court, Kovilpatti. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer H.MOP.No. 107 of 2022, on the Sub Court, Kovilpatti, to the file of the Sub Court, Devakottai, Sivagangai District.

4.The learned counsel for the respondent would submit that since H.M.O.P.No.107 of 2022 is pending before the Subordinate Court, Kovilpatti, physical appearance of the petitioner is not necessary on every hearing. Hence, he prays for dismissal of the transfer civil miscellaneous petition.

5.Considering the facts and circumstances of the case 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.107 of 2022 pending on the file of the Subordinate Court, Kovilpatti, is hereby withdrawn and transferred to the file of Sub Court, Devakottai, Sivagangai District, to be heard and



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disposed of as expeditiously as possible in accordance with law. The learned Judge, Subordinate Court, Kovilpatti, is directed to transfer the entire records pertaining to the case in H.M.O.P.No.107 of 2022 to the transferee Court, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is also closed.

08.08.2024

Internet : Yes / No

Index : Yes / No

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To

1. The Sub ordinate Court, Kovilpatti
2. The Sub Court, Devakottai, Sivagangai District



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P. VADAMALAI, J.

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