



Tr.C.M.P(MD)No.426 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.08.2024**

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.426 of 2024

and

C.M.P(MD)No.9368 of 2024

Sakthi Rajeshwari

... Petitioner

Vs.

M.Anandaraj

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw and transfer the H.M.O.P.No.570 of 2024 on the file of the Family Court, Madurai to the file of the Additional Sub Judge Tirunelveli to try along with H.M.O.P.No.31 of 2024.

For Petitioner : Mr.S.B.Kamalanathan

For Respondent : Mr.M.Divakaran



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ORDER

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The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.570 of 2024 on the file of the Family Court, Madurai, to the file of the Additional Sub Judge Tirunelveli to try along with H.M.O.P.No.31 of 2024.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 03.03.2023.

3. Heard the learned Counsel for the petitioner and the learned Counsel for the respondent.

4. The learned Counsel appearing for the petitioner would submit that at the time of marriage, the respondent was working as Deputy Superintendent of Police, Thalaiyuthu Range, Tirunelveli District and the petitioner apprehending that the respondent may misuse his position and threaten the petitioner. The petitioner is now residing in Vannikonendal. The distance between Madurai and Tirunelveli is more than 160 kms and it is very difficult for the petitioner to travel each and every hearing to



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attend H.M.O.P.No.570 of 2024, before the Family Court, Madurai. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.570 of 2024, before the Family Court, Madurai, to the file of the Additional Sub Judge, Tirunelveli, to try along with H.M.O.P.No.31 of 2024. He further submits that the petitioner has filed a petition in H.M.O.P.No.31 of 2024 on the file of the Additional Sub Judge, Tirunelveli, for restriction of conjugal rights.

5. The learned Counsel appearing for the respondent would submit that the petitioner has not raised any valid ground for transfer of case. He further requested to transfer the case to the Subordinate Court, Sattur or to the Subordinate Court, Kovilpatti.

6. Considering the over all facts and circumstance of the case and considering the fact that the petition in H.M.O.P.No.31 of 2024 filed by the petitioner is already pending before the Additional Sub Judge, Tirunelveli and also considering the convenience of the petitioner/wife, this Court is inclined to allow this petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition stands



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allowed and H.M.O.P.No.570 of 2024 pending on the file of the Family Court, Madurai is hereby withdrawn and transferred to the file of the Additional Sub Court, Tirunelveli.

8. The learned Family Judge, Madurai, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.570 of 2024 to the transferee Court, within a period of two weeks from the date of receipt of a copy of this order. On such receipt of records, the learned Additional Sub Judge, Tirunelveli, is directed to take this case on file and try along with H.M.O.P.No.31 of 2024 and dispose both the cases as expeditiously as possible in accordance with law. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

12.08.2024

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

- 1.The Family Court, Madurai.
- 2.The Additional Sub Judge, Tirunelveli.



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P.VADAMALAI, J.

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Order made in
Tr.C.M.P(MD)No.426 of 2024

12.08.2024