



TRCMP(MD).No.346 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

Transfer CMP(MD).No. 346 of 2023 and
CMP(MD).No.7392 of 2023

Ramajothi

Vs.

Petitioner

Raghavendran

Respondent

PRAYER : Petition filed under Section 151 CPC to withdraw the HMOP.No.64 of 2021 before the Principal Sub Court, Dindigul and transfer the same to try along with HMOP.No.18 of 2021 before the Sub Court, Sivakasi.

For Petitioner : Mr.R. Rajesh

For respondent : Mr. M.Sheik Abdullah

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.64 of 2021 from the file of the Principal Sub Court, Dindigul and transfer the same to the file of the Sub Court,



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Sivakasi to be tried along with HMOP.No.18 of 2021 on the file of the Sub Court, Sivakasi.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 05.02.2016 as per the Hindu Rites and Customs. One male child was born through the wedlock. Due to mis-understanding between the petitioner and the respondent, the respondent was sent out from the matrimonial home. Thereafter, the petitioner, wife filed HMOP.No.18 of 2021, before the Sub Court, Sivakasi, for divorce. Subsequently, the respondent, husband has filed HMOP.No.64 of 2021, before the Principal Sub Court, Dindigul, for Restitution of Conjugal Rights.

3. The learned counsel appearing for the petitioner submitted that now the petitioner is working as a Staff Nurse at Rajaji Hospital, Madurai and hence, it is very difficult for her to take leave and attend each and every hearing in HMOP.No.64 of 2021 at Principal Sub Court, Dindigul along with minor child. In such circumstances, the petitioner filed this petition to withdraw the case in HMOP.No.64 of 2021 from the file of the Principal Sub Court, Dindigul and transfer the same to the file



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of the Sub Court, Sivakasi to be tried along with HMOP.No.18 of 2021 on the file of the Sub Court, Sivakasi.

4. The learned counsel appearing for the respondent submitted that the respondent herein has also filed GWOP.No.329 of 2022 and the same is pending on the file of the I Additional District Judge, Madurai.

5. Heard the learned counsel appearing on either side and perused the materials on record.

6. Considering the fact that the petitioner is working at Madurai and that GWOP.No.329 of 2022 filed by the respondent is also pending before the I Additional District Judge, Madurai, the parties and subject matter of the issue is one and the same and to avoid conflicting decisions and in the interest of justice, this Court is inclined to transfer both the HMOP.No.64 of 2021 on the file of the Principal Sub Court, Dindigul and HMOPO.No.18 of 2021 on the file Sub Court, Sivakasi to Family Court, Madurai.

7. Accordingly, this Transfer Civil Miscellaneous Petition is



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disposed of and both the HMOP.No.64 of 2021 on the file of the Principal Sub Court, Dindigul and HMOPO.No.18 of 2021 on the file Sub Court, Sivakasi are hereby withdrawn and transferred to the file of the Family Court, Madurai. The learned Principal Subordinate Judge, Dindigul and Subordinate Judge, Sivakasi are directed to send the case bundles to the Family Court, Madurai, immediately. No costs. Consequently, connected Miscellaneous Petition is closed.

14.02.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

To

1. The Principal Sub Court, Dindigul.
2. The Sub Court, Sivakasi.
3. Family Court, Madurai



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G.ILANGOVA,J.

Trp

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