



*Tr.CMP.(MD)No.427 of 2024*

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 14.08.2024**

**CORAM**

**THE HON'BLE MR JUSTICE P. VADAMALAI**

**Tr.CMP.(MD)No.427 of 2024**

**and**

**C.M.P.(MD)No.9397 of 2024**

Dhivyabharathi

.. Petitioner

**Vs.**

Murugesan

.. Respondent

**Prayer** : The 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.80 of 2022 on the file of the Sub Court, Ramanathapuram and transfer the same to the file of the Family Court, Pudukkottai to be tried along with H.M.O.P.No.49 of 2023.

For Petitioner : Mr.R.Prasanna

For Respondent : Mr.B.Jameel Arasu



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**ORDER**

**WEB COPY** The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.80 of 2022 on the file of the Sub Court, Ramanathapuram and transfer the same to the file of the Family Court, Pudukkottai to be tried along with H.M.O.P.No.49 of 2023.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 06.06.2008 as per Hindu Rites and Customs. Out of the wedlock, two female children, namely Dhanyasri and Mahasri, were born.

3. Due to disputes and differences, the petitioner/wife, being the resident of R.S.Mangalam Taluk in Ramanathapuram District, has initiated the proceeding in H.M.O.P.No.80 of 2022 on the file of the Sub Court, Ramanathapuram seeking divorce.

4. Subsequently, the respondent/husband has initiated the proceeding seeking restitution of conjugal rights in H.M.O.P.No.49 of 2023 on the file of the Family Court, Pudukkottai.



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

6. The learned counsel for the petitioner would submit that the petitioner/wife is currently working at Aranthangi Police Station in Pudukkottai District. The distance between Aranthangi and Ramanathapuram is around 100 Kms. The petitioner/wife finds it difficult to travel such a long distance for attending every Court hearing at Ramanathapuram. Therefore, she seeks transfer of proceeding from the file of the Sub Court, Ramanathapuram to the file of the Family Court, Pudukkottai, where the proceeding initiated by the respondent/husband in H.M.O.P.No.49 of 2023 is pending.

7. The learned counsel for the respondent has raised only formal objection to this transfer petition.

8. Taking into consideration of the facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this transfer petition.



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**WEB COPY** 9. The learned Judge, Sub Court, Ramanathapuram is directed to transmit the entire records pertaining to the case in H.M.O.P.No.80 of 2022 to the Family Court, Pudukkottai within a period of three weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Pudukkottai is directed to take the case on file and dispose of the same along with H.M.O.P.No.49 of 2023 in accordance with law.

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

**14.08.2024**

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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,  
Ramanathapuram
- 2.The learned Judge, Family Court,  
Pudukkottai

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**and**  
**C.M.P.(MD)No.9397 of 2024**

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