



Tr.CMP.(MD)No.445 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.445 of 2024

and

C.M.P.(MD)No.9993 of 2024

V.Amuthu @ Sukanya

.. Petitioner

Vs.

K.Anbuselvan

.. 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. 235 of 2024 on the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Dindigul District.

For Petitioner : Mr.P.Manikandan

For Respondent : No Appearance



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.235 of 2024 on the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Dindigul District.

2. The petitioner is the wife and the respondent is the husband. The petitioner/wife has already married one Saravanan on 02.09.2011, and out of that wedlock, a child, namely Thegas, was born on 30.06.2012. The said Saravanan died on 29.05.2021. Thereafter, the marriage between the petitioner and the respondent herein was solemnized on 27.10.2023 at Sri Ramalinga Soudeshwari Ammen Temple, Mettupatti, Chinnalapatti, Athur Thaluk, Dindigul District as per Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.235 of 2024 on the file of the Family Court, Theni seeking restitution of conjugal rights.



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4. The name of the respondent has been printed in the cause list.

Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing for the petitioner.

6. The learned counsel for the petitioner would submit that the petitioner is the resident of Athur Taluk, Dindigul District. The distance between Dindigul and Theni is around 100 Kms, and the petitioner/wife finds it very difficult to travel such a long distance for attending every hearing along with the child. Hence, she seeks transfer of proceeding from the file of the Family Court, Theni to the file of the Sub Court, Dindigul.

7. 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.

8. The learned Judge, Family Court, Theni is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.235 of 2024 to the file



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of the Principal Sub Court, Dindigul 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, Principal Sub Court, Dindigul is directed to take the case on file and dispose of the same in accordance with law.

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

29.08.2024

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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, Family Court,
Theni
- 2.The learned Judge, Principal Sub Court,
Dindigul

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and
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