



Tr.CMP.(MD)No.453 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.453 of 2024

and

C.M.P.(MD)No.10197 of 2024

Chamundeeswari

.. Petitioner

Vs.

Nagaraj

.. 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. 147 of 2023 on the file of the Sub Court, Sattur, Virudhunagar District and transfer the same to the file of the Sub Court, Virudhunagar to be tried along with H.M.O.P.No.230 of 2023.

For Petitioner : Mr.D.Rajaboopathy

For Respondent : No Appearance



Tr.CMP.(MD)No.453 of 2024

WEB COPY

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.147 of 2023 on the file of the Sub Court, Sattur, Virudhunagar District and transfer the same to the file of the Sub Court, Virudhunagar to be tried along with H.M.O.P.No.230 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 24.03.2022.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceeding in H.M.O.P.No.230 of 2023 on the file of the Sub Court, Virudhunagar seeking restitution of conjugal rights. Subsequently, the respondent/husband has initiated the proceeding in H.M.O.P.No.147 of 2023 on the file of the Sub Court, Sattur seeking divorce.

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



Tr.CMP.(MD)No.453 of 2024

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/wife is now residing with her parents at Naduvapatti Village, Virudhunagar District. The distance between Virudhunagar and Sattur is around 58 Kms to and fro. The petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing as she is now financially dependant on her parents. Hence, she seeks transfer of proceeding from the file of the Sub Court, Sattur to the file of the Sub Court, Virudhunagar.

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, Sub Court, Sattur is directed to transmit the entire records pertaining to the case in H.M.O.P.No.147 of 2023 to the file



Tr.CMP.(MD)No.453 of 2024

of the Sub Court, Virudhunagar 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, Sub Court, Virudhunagar is directed to take the case on file and dispose of the same along with H.M.O.P.No.230 of 2023 as expeditiously as possible in accordance with law.

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

28.08.2024

mkn

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



WEB COPY



Tr.CMP.(MD)No.453 of 2024

P. VADAMALAI, J.

mkn

To

- 1.The learned Judge, Sub Court,
Sattur
- 2.The learned Judge, Sub Court,
Virudhunagar District

Tr.CMP.(MD)No.453 of 2024
and
C.M.P.(MD)No.10197 of 2024

28.08.2024