



Tr.C.M.P(MD)No.449 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.449 of 2024
and
C.M.P(MD)No.10092 of 2024

K.Revathi

... Petitioner

Vs.

Rajavignesh

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in O.P.No.212 of 2023 on the file of the Sub Court, Tambaram and transfer the same to the file of the Family Court, Thoothukudi.

For Petitioner : Mr.B.Balakrishnan

For Respondent : Mr.B.Pravinkumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in O.P.No.212 of 2023 on the file of the Sub Court, Tambaram and transfer the same to the file of the Family Court, Thoothukudi.



Tr.C.M.P(MD)No.449 of 2024

2. The learned counsel for the petitioner/wife submits that the marriage between the petitioner and the respondent was solemnized on 06.03.2022 as per Hindu rites and customs at Mahajothi Hotel, Dindigul. Due to some difference of opinion, they separated. The petitioner/wife has already filed a petition in H.M.O.P.No.154 of 2023 on the file of the Family Court, Thoothukudi seeking divorce and the respondent/husband filed a petition in O.P.No.212 of 2023 on the file of the Sub Court, Tambaram, under Section 9 of the Hindu Marriage Act, seeking restitution of conjugal rights. He would further submit that the petitioner is residing with her parent's at Thoothukudi. She finds it difficult to travel 700 km from Thoothukudi to Chennai. Hence, she seeks to transfer the case as prayed for.

3. The learned counsel for the respondent has raised only the formal objections.

4. Considering the facts and circumstances of the case and also considering the convenience of the petitioner/wife, this Court is inclined to allow this petition.



Tr.C.M.P(MD)No.449 of 2024

5. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed and O.P.No.212 of 2023 pending on the file of the Sub Court, Tambaram is hereby withdrawn and transferred to the file of the Family Court, Thoothukudi.

6. The learned Judge, Sub Court, Tambaram is directed to transmit the entire records pertaining to the case in O.P.No.212 of 2023 to the Family Court, Thoothukudi within a period of two weeks from the date of receipt of a copy of this order. On receipt of records, the learned Judge, Family Court, Thoothukudi is directed to take the case on file and to be tried along with H.M.O.P.No.154 of 2023 and dispose of the same as expeditiously as possible. No costs. Consequently, the connected Miscellaneous Petition is closed.

27.08.2024

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

VSD



WEB COPY



Tr.C.M.P(MD)No.449 of 2024

To

- 1.The Sub Court,
Tambaram.
- 2.The Family Court,
Thoothukudi.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Tr.C.M.P(MD)No.449 of 2024

P.VADAMALAI, J.

VSD

Order made in
Tr.C.M.P(MD)No.449 of 2024
and
C.M.P(MD)No.10092 of 2024

27.08.2024