



Tr.C.M.P.(MD).No.493 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Tr.C.M.P.(MD).No.493 of 2023
and C.M.P.(MD).No.10631 of 2023

A.Elakkiya

... Petitioner/Respondent

Vs.

Ashokraj

... Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.NO.114 of 2022 on the file of the Family Court, Pudukottai, transfer the same to the Family Court, Thanjavur.

For Petitioner : Mr.P.Venkatesan

For Respondent : Mr.D.Ramesh Kumar

ORDER

This petition has been filed to withdraw the case in H.M.O.P.NO. 114 of 2022 on the file of the Family Court, Pudukottai, transfer the same to the Family Court, Thanjavur.

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2.The facts in brief:

The marriage was solemnized between the parties on 23.05.2013. Out of the above said wedlock they blessed with two children. Thereafter there was some matrimonial dispute arose between the parties. Therefore, the respondent filed the above said H.M.O.P. before the Family Court, Pudukottai, seeking divorce. While so, the petitioner filed H.M.O.P.No.294 of 2022 before the Family Court, Thanjavur for restitution of conjugal rights. The petitioner is facing difficulties to travel much distance to attend every hearing. Hence, this petition.

3.Heard both sides. The learned counsel for the respondent would submit that since the respondent is a Doctor by profession, his personal appearance may be dispensed with before the transferee Court.

4.In view of the above said submissions, the H.M.O.P.NO.114 of 2022 filed before the Family Court, Pudukottai is ordered to be withdrawn and transferred to the Family Court, Thanjavur to try along

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with H.M.O.P.NO.294 of 2022. The respondent can approach the transferee Court and make his request to dispense with his personal appearance before him. On such request by considering the profession of the respondent, the transferee Court shall consider the same.

5.With the above said directions, this transfer miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

09.02.2024

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

To

- 1.The Judge, Family Court, Pudukottai.
- 2.The Judge, Family Court, Thanjavur.
- 3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGOVAN,J.

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