



Tr.C.M.P.(MD)No.579 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.579 of 2024
and
C.M.P.(MD)No.13595 of 2024

G.Pooja

... Petitioner

Vs.

R.Prabhu

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the petition in H.M.O.P.No.18 of 2024 on the file of the Subordinate Court, Pollachi and to transfer the same to the file of Family Court, Theni and to order to try along with the pending petition in O.P.No.36 of 2024 on the file of Family Court, Theni.

For Petitioner : Mr.P.Thiyagarajan

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Subordinate Court, Pollachi, in H.M.O.P.No.18 of 2024 and transfer the same to the Family Court, Theni.



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2. Despite receipt of Court notice, the respondent has not entered into appearance.

3. Heard the learned counsel appearing for the petitioner.

4. It is evident from the records that the marriage between the petitioner and the respondent was solemnized on 11.11.2022. It is not in dispute that the petitioner has filed a petition in O.P.No.36 of 2024 seeking restitution of conjugal rights and the same is pending on the file of the Family Court, Theni. It is also not in dispute that the respondent has filed a petition in H.M.O.P.No.18 of 2024 seeking divorce and the same is pending on the file of the Subordinate Court, Pollachi.

5. The learned counsel appearing for the petitioner would submit that the petitioner is residing at Periyakulam, Theni District and finds it difficult to travel from Theni to Pollachi to attend the hearings and moreover, restitution petition is pending before the Family Court, Theni.

6. Considering the above facts and circumstances of the case and



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also taking note of the fact that restitution petition filed by the petitioner is pending before the Family Court, Theni, this Court is of the view that the case in H.M.O.P.No.18 of 2024 is ordered to be withdrawn from the file of the Subordinate Court, Pollachi, and transfer the same to the file of the Family Court, Theni. Accordingly, the learned Subordinate Judge, Pollachi, is hereby directed to transmit the entire records in H.M.O.P.No. 18 of 2024 to the file of the Family Court, Theni, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case records, the learned Judge of Family Court, Theni, is directed to take up the petition on file and proceed in accordance with law.

7. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

11.12.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



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K.MURALI SHANKAR,J.

csn

To

1. The Subordinate Court,
Pollachi.
2. The Family Court,
Theni
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Tr.C.M.P.(MD)No.579 of 2024
and
C.M.P.(MD)No.13595 of 2024

Dated : 11.12.2024